Simon Gladwin
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TOWN AND COUNTRY PLANNING ACT 1990

In pursuance of the powers vested in the Amber Valley Borough Council under the above Act and Orders and taking into account Government policy and guidance and the saved policies of the Adopted Amber Valley Borough Local Plan 2006, and with reference to your application (**Office Code: AVA/2022/0449**) which was valid on the 17 May 2022 for permission for **Demolition of the existing dwelling and erection of 3 detached dwellings with associated garages at Willow Hayes 35 The Delves Swanwick**

In the manner described in the application and shown on the accompanying plan(s) and drawing(s) **NOTICE IS HEREBY GIVEN** that permission for the proposed development is **GRANTED subject to the following conditions:**

Conditions/Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

   Reason: To comply with the requirements of Section 91(1) of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Date : 29 June 2023

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2. The development hereby permitted shall be carried out only in accordance with the details and specifications shown on the following drawings:

   Proposed Residential Development- Scheme Design -Housing Types PA21-019-SK-81-02B
   received on 16th May 2022

   Proposed Residential Development -Scheme Design - Site layout - PA21-019-SK-81-01C
   Received on 19th August 2022

   Reason: To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application in accordance with policy LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

3. The facing and roofing materials to be used in the development hereby permitted shall match as closely as possible to those as proposed on the following plan:
   Proposed Residential Development - Scheme Design -Housing Types- Drg no PA21-019-SK-81-02B
   Received by the Council on 16th May 2022

   Reason: To ensure the satisfactory appearance of the completed development in accordance with policies LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

4. Prior to first occupation of the dwellings hereby approved, the following Biodiversity mitigation measures shall have been carried out

   - Bird nest boxes (one on each new dwelling)s.
   - Integrated/external bat boxes (one on each new dwellings.
   -fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehog (2 per new dividing fences)
   as annotated on the following drawing:
   PA21-019-SK-81-01C received by the Council on 19th August 2022
   and these features shall be maintained in perpetuity.

   Reason: To enable further enhancement of biodiversity within the site in accordance with Policy EN13 of the Adopted Amber Valley local Plan 2006.

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5. No above ground development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping. The submitted scheme shall incorporate the tree protection measures for existing trees as detailed within the submitted Tree Survey and Arboricultural Report -Jonathan Oakes dated 17th May 2023 and as set out on the drawings:

   DWG-JO-TCP-1 0f 1 -Tree constraints plan
   DWG-JO-TPP 1 of 1- Tree Protection Plan.

   Additionally, all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

   Reason: To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings in accordance with policy LS3 and EN13 of the Adopted Amber Valley Borough Local Plan 2006.

6. No above ground level development shall commence until;
   a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and
   b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.
   The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

   Reason: in the interests of safety for future occupants of the development and to comply with Policy EN18 of the Adopted Amber Valley Local Plan 2006

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7. Prior to the occupation of the development, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

   Reason: In the interest of safety for future occupants and in accordance with Policy EN18 of the Adopted Amber Valley Local Plan 2006

8. Before any other operations are commenced a new vehicular and pedestrian access shall be created to The Delves in accordance with the application drawings, laid out, constructed and provided with 2.4m x43m visibility splays in both directions, the area in advance of the sightlines being maintained throughout the life of the development clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

   Reason: To afford adequate visibility and in the interests of general highway safety in accordance with Policy TP1 of the Adopted Amber Valley local Plan 2006 and Paragraph 110 of the National Planning Policy Framework (2021)

9. The dwellings, hereby approved, shall not be occupied until space has been provided within the application site in accordance with the drawing PK-21-019-SK-81-01C for the parking and manoeuvring of residents vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

   Reason: To ensure that adequate off-street parking provision is made and to enable vehicles to enter and leave the site in a forward direction, in the interest of highway safety and in accordance with Policy TP1 and TP6 of the Adopted Amber Valley Local Plan 2016 and Paragraph 110 of the National Planning Policy Framework 2021.

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Notes

Attention is drawn to the attached notes:

1 The existing building on the site may be partially constructed of asbestos-containing materials (ACMs) and, as such, must be carefully handled during the demolition process. Demolition activities, including the handling of asbestos containing materials, are regulated by Building Control under the Building Regulations and by the Health and Safety Executive (HSE), so further advice should be sought from them.
General advice in relation to the dismantling of a structure containing asbestos or ACMs is to use a registered asbestos removal contractor to ensure that environmental contamination is minimised. Copies of Consignment Notes should be obtained and kept as proof that the materials have been disposed of at a suitably licensed waste facility. More detailed advice on the safe handling and disposal of ACMs can be found on the Borough Council's website

If in any doubt, contact Derbyshire Building Control Partnership (0333 880 2000) and the Health and Safety Executive (0300 003 1747) for advice prior to demolition works commencing.

2 The applicant is advised to investigate the disposal of all surface water from the development to either an appropriate system of soakaways or separate surface water drainage, and not to discharge into the foul sewerage system without the prior approval of Severn Trent Water Ltd.

3 The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (ie unbound chippings and gravel etc). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users the Authority reserves the right to take any necessary action against the householder.

4 Bats and owls are protected under the Wildlife and Countryside Act, 1981. Bats and/or owls often use old buildings for roosting. If there is any reason to believe that bats or owls are present, English Nature should be informed immediately. The Council's address is PO Box 18, Town Hall, Ripley, DE5 3SZ.

5 Any lighting scheme should avoid introduced light in the vicinity of the adjacent/boundary habitats and also the new bat/bird boxes provided as biodiversity enhancement.

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6 The site may support nesting birds. The active nests of all wild birds are protected under the Wildlife +Countryside Act 1981 (as amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. Therefore, no demolition work or vegetation removal should be undertaken between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the work is commenced. If any active nests are discovered then these should be left undisturbed until the birds have fledged with an appropriate buffer surrounding the nest.

Reasons for Granting Permission

In granting permission for this development the Borough Council has taken into account all material planning considerations arising from the views of statutory and other consultees and public representations about the application, Government guidance as detailed in the National Planning Policy Framework and the saved policies of the Adopted Amber Valley Borough Local Plan 2006:

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In detail:

The National Planning Policy Framework (NPPF) is a material consideration in planning decisions. In accordance with Paragraph 38 of the NPPF the local planning authority has approached the decision making process in a positive way to foster the delivery of sustainable development and has worked proactively with the applicant/agent to secure a development to improve the economic, social and environmental conditions of the area.

The development complies with the provisions of the development plan for the locality and raises no unresolved issues in relation to the location of the site, privacy, amenity, sunlight/daylight, character and design, landscape or heritage features and highway safety.

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NOTES

1. **If the applicant is aggrieved by the decision of the Local Planning Authority to refuse planning permission or approval for the proposed development or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 78/79 of the Town and Country Planning Act 1990, within six months of the date of this notice. The Secretary of State has power to allow a longer period for the giving of a notice but will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission of the proposed development could not have been granted by the Local Planning Authority or could not have been so granted otherwise that subject to the conditions imposed on them, having regard to the statutory requirements, to the provision of the development order, and to any directions given under the order.**
2. **Cadent Gas own and operate the gas infrastructure within the area of your development. Contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to. Email plantprotection@cadentgas.com. Alternatively you can register on www.beforeyoudig.nationalgrid.com**
3. **If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council of the County/District in which the land is situated, a purchase notice requiring that council to purchase his interests in the land in accordance with the provisions of Section 180 of the Town and Country Planning Act 1990.**
4. **In certain circumstances a claim may be made against the Local Planning Authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Sections 137 and 138 of the Town and Country Planning Act 1990.**
5. **This permission relates to planning controls only. Any other statutory consent necessary including submission under the building regulations must be obtained from the appropriate Authority.**
6. **If it is intended to give notice of appeal in accordance with Paragraph 1 above, this should be done on the appropriate form obtainable from:-**

   The Planning Inspectorate
   3/23 Hawk Wing, Temple Quay House, 2 The Square Temple Quay Bristol BS1 6PN
   (Tel. No. 0117 372 8000) www.planning-inspectorate.gov.uk

7. **If the condition of consent or reasons for refusal, make reference to a Division of the Department, the appellant may, if he so wishes, require the attendance of a representative from the Department by notification to the Local Planning Authority. Such a representative would not be liable to cross-examination on questions of departmental policy, but only on matters of fact and expert opinion in relation to the appeal site.**
8. **Where a vehicle is habitually drive across a grass verge or kerbed footway to and from premises adjoining a highway, the occupier of the premises may after being given due notice by the appropriate authority, be required to pay the cost of construction of a carriage crossing or the strengthening of a footway, as the authority considers it necessary, or may be required to comply with conditions imposed by the authority.**
9. **In the case of building or premises to which the public are to be admitted whether on payment or otherwise, attention is drawn to Sections 4 and 7 of the Chronically Sick and Disabled Persons Act 1970 and the associated Code of Practice (BS5810:1979). In the case of premises to which the Offices, Shops and Railway Premises Act 1963 or the Factories Act 1962 applies, attention is drawn to Sections 7 and 8A of the Chronically Sick and Disabled Persons Act and to the same code of practice. In the case of Educational Buildings, attention is drawn to Sections 7 and 8 of the Chronically Sick and Disabled Persons Act 1978 and to the Design Note 18 "Access for the Physically Disabled Educational Buildings".**
10. **If the development site is crossed by an electric line or is within 15 metres (50ft) of the nearest part of a line (measure horizontally along the ground) or if there is reason to believe that it may be crossed by an underground electric cable, the applicant should contact the Electricity Board to ascertain if and what special safety precautions are necessary.**
11. **The grant of planning permission does not entitle developers to obstruct a public right of way. Development on so far as it affects a right of way, should not be started, and the right of way should be kept open for public use, until the necessary order under Section 247 and 257 of the Town and Country Planning Act 1990 for the diversion of extinguishment of the right of way has been made and confirmed.**