Simon Gladwin
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Development Management

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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/2023/0297**) which was valid on the 25 April 2023 for permission for **Construction of a detached dwelling with detached garage and annex above at Lane Farm Four Lane Ends Oakerthorpe**

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.

2. The development hereby permitted shall be carried out only in accordance with the details and specifications shown on the amended drawings 130 Rev B, 131 Rev A and 132 Rev 1_1 received on 15.06.2023 and 26.06.2023.

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

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3. Notwithstanding the submitted plans and material details, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details and/or samples of the materials and finishes to be used for the external elevations and roof of the proposal, and the development shall be carried out with those materials.

   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. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the National Planning Policy Framework.

5. a) No development shall commence until:
   i. The approved development site has been subjected to a detailed investigation to determine the extent, scale and nature of any contamination and an assessment of the potential risks (the "Assessment") has been carried out.
   ii. A report providing the details of the site investigation and the Assessment been submitted and approved in writing by the Local Planning Authority.
   iii. A Remediation Method Statement (the "RMS") to address any remediation required by the Assessment including a plan for how the remediation methods will be verified, has been submitted and approved in writing by the Local Planning Authority.
   b) The development shall be undertaken in strict compliance with the requirements contained within the approved RMS. Any proposed revisions to the RMS must be submitted and approved in writing by the Local Planning Authority prior to any changes in remediation methods.
   c) If during development works, any contamination is encountered which was not previously identified and is derived from a different source and/or of a different type to those already identified, then no further works shall take place until a revised RMS is submitted to and approved in writing by the Local Planning Authority and the works shall then be carried out in accordance with the revised RMS.

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d) If during development work, site contamination is found in areas previously expected to be uncontaminated, then the remediation of those areas shall be carried out in accordance with the approved RMS.
e) No building shall be occupied unless and until a Verification Report in accordance with the RMS has been submitted to and approved in writing by the Local Planning Authority.
f) All investigations, assessments and reports must be carried out by a suitably qualified competent person previously agreed in writing by the Local Planning Authority and in accordance with the Environment Agency publication Land contamination: risk management (LCRM).

Reason: The undertaking of a site investigation prior to the commencement of development is necessary to ensure that adequate information pertaining to risks arising from land contamination is available to inform an assessment that the site is either suitable for its proposed use or appropriate remedial measures could make the site suitable for its proposed use. In order to ensure the safety of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

6. All demolition, site preparation and construction activities must be conducted in accordance with the following:
a) No construction or demolition works, movement of traffic, or deliveries to and from the premises, shall occur other than between 08:00 and 18:00 hours weekdays, and between 08:00 and 13:00 hours on Saturdays, and at no time on Sundays or Public Holidays. Any proposed extension to these hours, other than for emergency works, shall be agreed with the Local Planning Authority before work commences;
b) No piling, blasting, dynamic compaction or use of vibrating rollers, shall occur on the site before a scheme has been submitted to, and approved in writing by, the Local Planning Authority, detailing the provisions to be made for the control of associated environmental noise and vibration. All such activities shall take place only in accordance with the approved scheme;
c) All activities should comply with the guidance in British Standard BS5228 Noise and vibration control on construction and open sites. Efficient silencers should be fitted to, used and maintained in accordance with the manufacturers' instructions, on all vehicles, plant and machinery used on the site;
d) The use of tonal reversing alarm systems should be avoided;
e) No visible particulate matter shall be emitted beyond the site boundary. The dust suppression methods, and the emission monitoring method, frequency and recording, shall be agreed with the Local Planning Authority before works commence. All works shall be carried out in accordance with this agreement. At such times as the prevention of dust nuisance by these means is not possible, dust generating activities shall temporarily cease until such time as dust suppression measures become effective;

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f) All vehicles entering or leaving the site and those carrying materials likely to deposit dust or mud on the highway must be adequately sheeted. No vehicle shall leave the site unless in a clean condition such that it does not deposit dust or mud on the highway. Any dust or mud deposited on the highway shall be removed at a frequency and at times agreed with the Local Planning Authority;
g) Arrangements for dealing with any asbestos-containing materials known, or subsequently found, to be on site should be agreed with the Local Planning Authority prior to its disturbance. It should be noted that under a different regulatory regime, demolition contractors are required to inspect a site. Where the presence of asbestos is suspected, then hazardous waste regulations must be complied with. Asbestos contaminated waste is required to be removed to a site authorised to take asbestos. A waste consignment note is required for each load and a paper trail of movements of such waste kept;
h) No waste arising from demolition or construction activities shall be disposed of by burning without the prior approval of the Local Planning Authority. Burning waste in the open may also require an environmental permit or registered exemption.

Reason: To protect the amenity of the residents of adjacent properties in accordance with policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any Order revoking and re-enacting that Order) no development relating to Class A and E of Part 1 of Schedule 2 (erection of extensions and outbuildings) shall be undertaken without the prior written approval of the Local Planning Authority.

   Reason: To protect the character and visual amenities of the locality in accordance with policies LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

8. The hereby approved development shall not be occupied until the parking and manoeuvring scheme is fully laid out and implemented in accordance with the submitted drawing 103 Rev B.

   Reason: In the interests of the safety of the users of the access and public highway safety in general in accordance with policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

9. Bat roosting measures shall be incorporated into the dwelling fully in accordance with the specification detailed in the Preliminary Bat Roost Assessment and Bird Survey Report prepared by Tamworth Property Services dated November 2019 and provided prior to occupation of any residential dwelling.

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Reason: In the interests of securing ecological enhancements in accordance with Policy EN13 of the Adopted Amber Valley Borough Local Plan 2006.

10. Prior to commencement of development, a bird mitigation strategy, in particular for swallows, shall be submitted to and approved in writing by the Local Planning Authority. The approved strategy shall be implemented in full as construction proceeds and prior to first occupation of any residential dwelling.

    Reason: This is a pre-commencement of development condition, required in the interests of securing ecological net gain in accordance with Policy EN13 of the Adopted Amber Valley Borough Local Plan 2006.

11. Prior to the commencement of development, a lighting strategy shall be submitted to and approved in writing by the Council. The agreed lighting strategy shall be implemented in full prior to the occupation of any residential dwelling.

    Reason: To minimise external lighting to reduce impacts on wildlife, in particular bats and birds, in accordance with Policy EN13 of the Adopted Amber Valley Borough Local Plan 2006.

12. A detailed landscaping should be submitted to the Local Planning Authority for approval prior to commencement of work on site. This must include:
    - Plan showing all trees retained within the site.
    - Appropriate additional planting to mitigate for trees lost to the development.
    - Positions and specification (following BS8545:2014 'Trees: from nursery to independence in the landscape - Recommendations' as appropriate) for all new tree planting.
    - Reinstatement and ground preparation for new tree planting and areas of soft landscaping.

    All agreed 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 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 of the Adopted Amber Valley Borough Local Plan 2006.

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13. If no construction activity is required within the root protection area of trees retained within the site a tree protection plan should be submitted to the Local Planning Authority for approval prior to commencement of work on site. This may take the form of an annotated block plan but must show:
    - Exclusion zone protective barriers (giving precise locations and specification).

    If engineering operations are required (e.g. retaining walls or footings) within the root protection areas of retained trees are required it will be necessary to submit a full arboricultural report to the LPA for approval prior to commencement of work on site. This report should be in the format of BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations' and should include an up-to-date Arboricultural Impact Assessment, tree protection plans and appropriate method statements (as per section 5 & 6 of BS5837:2012).

    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 of the Adopted Amber Valley Borough Local Plan 2006.

Notes

Attention is drawn to the attached notes:

1 The application site is affected by a Public Right of Way (Footpath 47 South Wingfield on the Derbyshire Definitive Map). The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 01629 533190.

2 The application is advised that the materials should reflect that of the development adjacent to the Peacock for consistency

3 The Local Planning Authority and Borough Council has no statutory responsibilities in relation to private drainage issues, they are the responsibility of the developer to resolve. Any issues regarding public drainage should be directed to Severn Trent Water or the Environment Agency for their formal comments and consent as appropriate.

4 The Borough Council's Environment Unit recommends the incorporation of the following mitigation measures:

- Electric Vehicle Charging Points- The Government has announced plans to change its building regulations to ensure every new residential property with an associated car

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parking space has an electric vehicle charge point. The consultation on this proposal has finished, but the results have not yet been published. In anticipation that electric vehicle charge points will be a requirement in the future, I recommend that the applicant incorporate them.

- Alternative heat sources and optimal insulation to reduce carbon dioxide and nitrogen dioxide emissions.

5 With regards to condition 9, such details should be based on details within the Preliminary Bat Roost Assessment and Bird Survey Report prepared by Tamworth Property Services dated November 2019 and should include detailed specification and plans of permanent
long-term swallow nesting facilities and enhancements to provide a net increase in nesting opportunities for these species.

6 The buildings within the site offer suitable habitat for 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. No works to the buildings should be undertaken between 1st March and 30th September 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 the nest 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:

LS1 - Sustainability criteria
LS3 - Design
H5 - Housing development outside settlements
H12 - Design and amenity considerations
EN1 - Countryside
EN16 - Pollution
EN18 - Derelict, Unstable And Contaminated Land
TP1 - Impact on the Transport Network

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TP6 - Parking
EN8 - Landscape Features

In detail:

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.

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.

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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.