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 the saved policies of the Adopted Amber Valley Borough Local Plan 2006, and with reference to your application (**Office Code: AVA/2022/0145**) which was valid on the 28 February 2022 for permission for **Outline application (including access) for construction of a detached dwelling at Land Adj 245 Ashbourne Road Ashbourne Road Turnditch**

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. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

   Reason: To prevent the accumulation of planning permissions: to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The approval of the Borough Council shall be obtained prior to the commencement of any development in respect of the appearance, landscaping, layout and scale of the buildings.

   Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

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3. The development shall be carried out in accordance with the details contained in the submitted plans listed below:

   Existing & Proposed site layouts, Block plan and Location plan No 1776 001 Revision A dated Jan 2022

   Reason : In order to define the permission.

   Notwithstanding the approved plan of condition 3 above, this permission does not relate to the siting of the dwelling.

   For the avoidance of doubt.

4. Prior to the first occupation of the dwelling, two car parking spaces shall be provided within the site curtilage for the parking of vehicles associated with the hereby approved dwelling and two spaces to serve no. 245 Ashbourne Road. Once provided the car parking spaces shall be maintained in perpetuity free from impediment to their parking uses for the life of the development.

   Reason: To ensure sufficient off-street car parking is made available given that the garage is sub-standard in footprint, in accordance with Policy TP6 of the Adopted Amber Valley Borough Local Plan 2006.

5. Before any other operations are commenced, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitor's vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

   Reason: This is a pre-commencement of development condition, required in the interests of highway safety, in accordance with Policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

6. Prior to the commencement of development a scheme to prevent the discharge of water from the development onto the highway shall be first submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be provided in full prior to the first occupation of the dwelling and be retained in perpetuity for the life of the development.

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Reason: This is a pre-commencement of development condition, required in the interests of highway safety, in accordance with Policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

7. Prior to any construction above foundations level, a scheme of biodiversity enhancement to include features incorporated within the new building for roosting bats and native planting within the details of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The enhancement scheme shall be implemented fully in accordance with the agreed details as construction proceeds and completed prior to the first occupation of the dwelling.

   Reason: In the interests of securing appropriate biodiversity enhancement, as required by Policy EN13 of the Adopted Amber Valley Borough Local Plan 2006.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no development relating to Class A, B, C, D, E of Part 1 of Schedule 2 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 EN1, LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

9. No development shall take place to the external elevations or roof of the dwelling 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.

10. Prior to occupation of the hereby approved dwelling, full details of the proposed treatment of the boundaries of the site shall be submitted to and approved by the Local Planning Authority. The hedge on the eastern boundary of the site shall be retained in perpetuity unless otherwise agreed with the Local Planning Authority. Any agreed scheme shall be implemented in full in accordance with a phasing scheme prior to the occupation of the development.

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Reason: To ensure both the satisfactory appearance of the completed development and an adequate level of amenity for the proposed dwellings in accordance with policy H12 of the Adopted Amber Valley Borough Local Plan 2006.

11. Prior to occupation of the hereby approved dwelling, a landscaping scheme shall be submitted to and be approved by the Local Planning Authority to include mitigation for lost trees as follows:

    Positions and specification (following BS8545:2014 ' Trees from nursery to independence in the landscape- recommendations' as appropriate) for all new planting.
    Reinstatement and ground preparation for new tree planting and areas of soft landscaping

    Any trees or plants shall be planted in accordance with the agreed landscaping scheme in the first planting season and any trees/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 policies EN8 and EN1 of the Adopted Amber Valley Borough Local Plan 2006.

12. The hereby approved development shall be undertaken fully in accordance with the recommendations of the Arboricultural Impact Assessment and Arboricultural Method Statement and Associated Tree Plans prepared by AA Tree Surgeons Report Reference: 220504 dated May 2022 including the tree protection plan and protective fencing schemes.

    Reason: To ensure adequate protection of trees to be retained as part of the development, as required by Policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

Notes

Attention is drawn to the attached notes:

1 Pursuant to Section 72/278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway

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Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works.

2 Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from the Economy, Transport and Communities Department at County Hall, Matlock (tel: 01629 538658 or email: development.implementation@derbyshire.gov.uk). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

3 No removal of trees, hedgerows, shrubs or brambles should take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.

Reasons for 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 relevant Neighbourhood Plans, and saved policies of the Adopted Amber Valley Borough Local Plan 2006;

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.**