Simon Gladwin
Executive Director (Operations)
Development Management

Town Hall
Ripley
Derbyshire DE5 3BT
Tel: 01773 570222
Fax: 01773 841523
Email: enquiry@ambervalley.gov.uk
Web: www.ambervalley.gov.uk

Miss N. Hickton
C/o Agents

Mr Jonathan Pilkington
Pilkington Architecture Limited
29A Strettea Lane
Higham
Alfreton
DE55 6EJ

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/2022/0436**) which was valid on the 7 June 2022 for permission for **Demolition of 409 Somercotes Hill and development of 4 no. two storey terraced dwellings and a detached bungalow at 409 Somercotes Hill Somercotes Alfreton**

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 following drawings:

   Scheme Design- Site layout, Drg no PA22-006 SK 81-01B
   Scheme Design- House Types, Drg no: PA22-006 SK 81-02 B

   Both received on 7th November 2022

Date : 29 August 2023

Signed S Gladwin

Simon Gladwin
Executive Director (Operations)

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.

3. The facing and roofing materials to be used in the development hereby permitted shall match as closely as possible those used in the construction of the existing building.

   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. No work shall commence until such time as a scheme indicating proposed floor levels of all buildings, and the relationship of such to the existing dwellings has been submitted to and approved by the Local Planning Authority, and the development shall be constructed in accordance with the agreed levels.

   Reason: To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with policies LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

5. No part of the development shall be occupied or brought into use until the areas indicated on the submitted plans to be set aside for parking and servicing have been surfaced, drained and permanently marked out or demarcated in accordance with the details and specifications shown in drawing number PA/22-006 SK 81 01 B. The parking and servicing areas shall be retained as such thereafter.

   Reason: To ensure that adequate provision is made on the site for the traffic generated by the development, including allowance for safe circulation.

6. Before any other operations are commenced, space shall be provided within the site curtilage for the storage of plant and materials/ site accommodation/ loading and unloading of goods vehicles/ parking and manoeuvring of site operatives and visitors vehicles, to be laid out and provided in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.

   Reason: In the interests of highway and pedestrian safety.

Date : 29 August 2023

Signed

Simon Gladwin
Executive Director (Operations)

7. There shall be no gates or other barriers within 5m of the nearside highway boundary and any gates shall open inwards only.

   Reason: In the interests of highway and pedestrian safety.

8. a. No development shall commence until:
   i. A letter from a competent person confirming that a coal mining risk assessment intrusive investigation did not encounter any coal mine features at shallow depth and that the ground gas risk does not require further investigation shall be submitted to and accepted in writing by the Local Planning Authority.
   ii. Should the coal mining risk assessment intrusive investigation encounter coal mine features at shallow depth, a ground gas investigation and risk assessment shall be carried out and a report submitted to and accepted in writing by the Local Planning Authority.
   iii. Where the approved risk assessment (required by ii) identifies ground gases posing unacceptable risks, a detailed scheme to address the risks shall be submitted to and accepted in writing by the Local Planning Authority.
   b. Any remedial actions required by the report submitted in fulfilment of (iii) above shall be undertaken and documented in a Verification Report which shall be submitted to and accepted in writing by the Local Planning Authority prior to the occupation of any structure.

   Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate
   remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

9. Prior to works commencing on site a scheme shall first be submitted to and approved in writing with the local planning authority for the making good of the end of terrace to no. 411 Somercotes Hill, Somercotes. Once agreed the works shall be undertaken in full accordance with agreed scheme.

   Reason: For the avoidance of doubt an and the interests of residential and visual amenity in accordance with Policies LS3 and H12 of the Adopted Amber Valley Local Plan 2006 and Paragraphs 126 and 130 of the NPPF.

10. No development shall take place (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials) until a Construction

Date : 29 August 2023 Signed

S Gladwin

Simon Gladwin
Executive Director (Operations)

Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following.

-Precautionary methods and timing of site clearance including removal of shrub/scrub, hedgerows and potential refugia in order to avoid disturbance to hibernating hedgehogs.
- Precautions and timing of site clearance to avoid harm to any amphibians including GCN, reptiles and sheltering small mammals including hedgehogs.
- -Protection of retained trees and hedgerows during construction activities in line with British Standards BS5837.
- Any excavations shall be covered overnight or have an escape ramp to prevent entrapment of wildlife.
- Chemicals, oils or fuel shall be stored securely.
- All pipework greater than 150 mm shall be blanked off at the end of the day

Reason: In order to protect wildlife species and their habitats in accordance with Policy EN13 of the Adopted Amber Valley Local Plan 2006

11. Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of light spill to any sensitive ecological zones/features.

    Reason: In order to protect the protected wildlife species and their habitiats and in accordance with Policy EN13 of the Adopted Amber Valley Local Plan 2006.

12. 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, B and C of Part 1 of Schedule 2 (erection of extensions, roof alterations) 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.

13. No work shall commence on the site until full details of the proposed treatment of the boundary(ies) of the site has been submitted to and approved by 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.

Date : 29 August 2023

Signed

S Gladwin

Simon Gladwin
Executive Director (Operations)

Reason: To ensure both the satisfactory appearance of the completed development and an adequate level of amenity for the proposed dwellings in accordance with policies LS3 and H12 ; of the Adopted Amber Valley Borough Local Plan 2006.

14. The garage/carport hereby permitted shall not be used for the storage of vehicles other than private motor vehicles, and no trade or business shall be carried out therefrom (i.e. to be used for domestic purposes only). The use of the garage shall remain at all times for the purpose of parking a motor vehicle and shall not be converted to additional living accommodation, unless otherwise agreed in writing with the Local planning Authority.

    Reason: To safeguard the privacy and amenities of the occupiers of adjoining properties and to ensure that adequate off-street parking facilities are available in accordance with policy P6 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

15. Prior to first occupation of the dwellings, hereby permitted, details of the refuse storage area shall be submitted and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with those details and shall remain in perpetuity.

    Reason: To ensure that adequate refuse storage is available for residents of the scheme and is not visually detrimental to the street scene and overall design of the scheme in a accordance with Policies LS3 and H12 of the Adopted Amber Valley Local Plan 2006 and Paragraphs 126 and 130 of the NPPF.

16. No building operations shall commence on site until such time as adequate means of disposal of both surface water and foul sewage have been carried out in accordance with a scheme to be agreed in writing with the Local Planning Authority.

    Reason: To ensure the provision of adequate facilities to dispose of surface water and foul sewage in accordance with policy EN15 of the Adopted Amber Valley Borough Local Plan 2006.

Date : 29 August 2023

Signed

Simon Gladwin
Executive Director (Operations)

Notes

Attention is drawn to the attached notes:

1 When undertaking ground gas investigation and designing gas protection measures, reference should be made to the British Standards BS8576 "Guidance on investigations for ground gas" and BS8485 "Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings".

2 In order to reduce the likelihood of local residents being subjected to adverse levels of noise annoyance during construction, work on site should not occur outside of the following hours:

Monday-Friday -7:30am - 18:00 pm
Saturday -8.30am- 13:00 pm
No work on Sundays or Bank Holidays

3 Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy, Transport & Environment at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp, e-mail highways.hub@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190.

4 Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

5 The council will encourage the developers to help to meet the Government's commitments to achieve net-zero carbon emissions by 2050, and to meet the NPPF's environmental objective of mitigating and adapting to climate change, including moving to a low carbon economy, through the inclusion of on-site renewable energy generation, the de-carbonising of heating systems and enhanced levels of insulation.

6 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any

Date : 29 August 2023

Signed S Gladwin

Simon Gladwin
Executive Director (Operations)

wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

7 Any demolition of the buildings identified as having potential for use by bats should proceed with caution. If bats, or evidence of bats is found during the demolition then works must stop immediately and a suitably qualified bat ecologist contacted for further advice.

8 the public sewer which passes through the site will need to be diverted at the developers expense

9 In relation to condition 11, guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018).)Such approved measures will be implemented in full. The lighting design shall avoid introduced lighting to retained bat commuting/foraging features particularly along the north-east boundary as specified in the PEA report (ELMS Ecology, October 2022) and also new bat/bird enhancement features provided as part of the enhancement of the site.

10 The applicant is reminded of the terms of the Section 106 Agreement which relates to this site.

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:

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.

Date : 29 August 2023

Signed

S Gladwin

Simon Gladwin
Executive Director (Operations)

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.