Simon Gladwin
Executive Director (Operations)
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/2021/0451**) which was valid on the 20 April 2021 for permission for **Reserved matters application for residential development following the approval of Outline Application AVA/2014/1154 including highway and drainage infrastructure at Lily Street Farm Derby Road 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 to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.

   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.

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2. The development hereby approved shall be undertaken in accordance with the following:

Planning Layout SH1 - Drg. No. 21-60002
Planning Layout SH2 - Drg. No. 21-600-03
Masterplan - Drg. No. 21-600-04
Materials Layout - Drg. No. 21-600-5

APPLEBY - AS - Proposed Elevations - Drg. No. HT-P-EL, Rev. A
APPLEBY - AS - Proposed Plans and 3D View - Drg. No. HT-P-PL, Rev. A

BELVEDERE - AS - Proposed Elevations - Drg. No. HT-T-EL, Rev. A
BELVEDERE - AS- Proposed Plans and 3G View - Drg. No. HT-T-PL, Rev. A

BOSWORTH - AS- Proposed Elevations - Drg. No. HT-I-EL, Rev. A
BOSWORTH - AS- Proposed Plans and 3D View - Drg. No. HT-I-PL, Rev. A

BRADGATE - AS - Proposed Elevations - Drg. No. HT-L-EL, Rev. A
BRADGATE - AS - Proposed Plans and 3D View - Drg. No. HT-L-PL, Rev. A

BRASSINGTON - AS/OPP - Proposed Elevations - Drg. No. HT-B-EL, Rev. A
BRASSINGTON - AS/APP - Proposed Plans and 3D View - Drg. No. HT-B-PL, Rev. A

CADEBY - AS - Proposed Elevations - Drg. No. HT-O-EL, Rev. A
CADEBY - AS - Proposed Plans and 3D View - Drg. No. HT-O-PL, Rev. A

CARSINGTON - AS - Proposed Elevations - Drg. No. HT-E-EL, Rev. A
CARSINGTON - AS - Proposed Plans and 3D View - Drg. No. HT-E-PL, Rev. A

DENBY - Proposed Plans and 3D View - Drg. No. HT-V-PL, Rev. A
DENBY - AS - Proposed Elevations, - Drg. No. HT-V-EL, Rev. A

INGLEBY - AS - Proposed Elevations - Drg. No. HT-R-EL, Rev. A
INGLEBY - AS - Proposed Plans and 3D View - Drg. No. HT-R-PL, Rev. A

MELBOURNE - AS - Proposed Elevations - Drg. HT-J-EL, Rev. A
MELBOURNE - AS - Proposed Plan and 3D View - Drg. No. HT-J-PL, Rev. A

MILFORD - Proposed Elevations - Drg. No. HT-A-EL, Rev. A
MILFORD - Proposed Plans and 3D View - Drg. No. HT-A-PL, Rev. A

MILTON - Proposed Elevations - Drg. No. HT-G-EL, Rev. A
MILTON - AS - Proposed Plans and 3D View - Drg. No. HT-G-PL, Rev. A

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QUORN - AS/OPP - Proposed Elevations - Drg. No. HT-H-EL, Rev B
QUORN - AS/OPP - Proposed Plans and 3D View - Drg. No. HT-H-PL, Rev. B

REARSBY - AS - Proposed Elevations - Drg. No. HT-S-EL, Rev. A
REARSBY - AS - Proposed Plans and 3D View - Drg. No. HT-S-PL, Rev. A

REMPSTONE - AS - Proposed Elevations - Drg. No. HT-N-EL, Rev. A
REMPSTONE - AS - Proposed Plans and 3D View - Drg. No. HT-N-PL, Rev. A

REPTON - AS - Proposed Elevations - Drg. NO. HT-D-EL, Rev. A
REPTON - AS - Proposed Plans and 3D View - Drg. No. HT-D-PL, Rev. A

ROSLISTON - AS/OPP - Proposed Elevations - Drg. No. HT-W-EL, Rev. A
ROSLISTON - AS/OPP - Proposed Plans and 3D View - Drg. No. HT-W-PL, Rev. A

SHARDLOW - AS - Proposed Elevations - Drg. No. HT-U-EL, Rev. A
SHARDLOW - AS - Proposed Floor Plans and 3D View - Drg. No. HT-U-PL, Rev. A

TICKNALL - Proposed Elevations - Drg. No. HT-K-EL, Rev. A
TICKNALL - Proposed Plans and 3D View - Drg. No. HT-K-PL, Rev. A

TISSINGTON - AS - Proposed Elevations - Drg. No. HT-F-EL, Rev. A
TISSINGTON - AS - Proposed Plans and 3D View- Drg. No. HT-F-PL, Rev. A

WLLESLEY - AS - Proposed Elevations - Drg. No. HT-Q-EL, Rev. B
WILLESLEY - AS - Proposed Plans and 3D View - Drg. No. HT-Q-PL, Rev. B

WORTHINGTON - Proposed Plans and 3D View - Drg. No. HT-C-PL, Rev. A
WORTHINGTON - Proposed Elevations - Drg. No. HT-C-EL, Rev. A

WYMESWOLD - AS - Proposed Elevations - Drg. No. HT-M-EL, Rev. A
WYMESWOLD - AS - Proposed Plans and 3D View - Drg. No. HT-M-PL, Rev. A

Twin Garage - Drg. No. GT-01-PL, Rev. A
Double Garage - Drg. No. GT-02-PL, Rev. A
Single Garage - TYPE 01 - Drg. No. GT-03-PL, Rev. A
Single Garage - TYPE 02 - Drg. No. GT-04-PL, Rev. A
GARAGE - EXTENDED DOUBLE - Drg. No. GT-05-PL

Horizontal General Arrangement (Sheet 1 of 2) - Drg. No. DR-208
Horizontal General Arrangement (Sheet 2 of 2) - Drg. No. DR-209
Swept Path Analysis - Refuse Vehicle (Sheet 1 of 2) - Drg. No. DR-210

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Swept Path Analysis - Refuse Vehicle (Sheet 1 of 2) - Drg. No. DR-211

Detailed Landscape Proposals - Residential & Open Spaces - Drg. No. GL1201 15
Detailed Landscape Proposals - Residential & Open Spaces - Drg. No. GL1201 16
Detailed Landscape Proposals - Residential & Open Spaces - Drg. No. GL1201 17
Detailed Landscape Proposals - Residential & Open Spaces - Drg. No. GL1201 18
Detailed Landscape Proposals - Residential & Open Spaces - Drg. No. GL1201 19
Detailed Landscape Proposals - Residential & Open Spaces - Drg. No. GL1201 20
Detailed Landscape Proposals - Residential & Open Spaces - Drg. No. GL1201 21
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Detailed Landscape Proposals - Residential & Open Spaces - Drg. No. GL1201 24
Detailed Landscape Proposals - Residential & Open Spaces - Drg. No. GL1201 25
Detailed Landscape Proposals - Residential & Open Spaces - Drg. No. GL1201 26.

Reason: To define the terms of the permission.

3. Notwithstanding any description/details in the application documents, no above ground works shall commence until details of the height, design, materials and colour finish of all site boundary walls, fences or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall thereafter be provided before the first occupation of the development and thereafter be retained as such.

   Reason: to ensure the satisfactory appearance of the development in accordance with saved policy LS3 of the Adopted Amber Valley Borough Local Plan 2006.

4. The dwellings, the subject of the application, shall not be occupied until the proposed new estate streets between each respective plot and the existing public highway have been laid out generally in accordance with the approved drawings and constructed to base level, drained and lit in accordance with the Derbyshire County Council's specification for new housing development roads.

   Reason: As recommended by Derbyshire County Council (Local Highway Authority) in the interests of highway safety and in accordance with saved policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

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5. No dwelling shall be occupied until access has been provided, laid out and constructed and provided with 2.4m x 25m visibility sightlines, the area in advance being maintained throughout the life of the development clear of any objects exceeding 0.6m in height (600mm if vegetation) relative to the adjacent nearside carriageway channel level, unless otherwise agreed in writing by the Local Planning Authority.

   Reason: As recommended by Derbyshire County Council (Local Highway Authority) in the interests of highway safety and in accordance with saved policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

6. The garages/parking spaces hereby permitted, shall be kept available for the parking of motor vehicles at all times. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) the garage/car parking space(s) hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.

   Reason: As recommended by Derbyshire County Council (Local Highway Authority) in the interests of highway safety and in accordance with saved policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

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

   Reason: As recommended by Derbyshire County Council (Local Highway Authority) in the interests of highway safety and in accordance with saved policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

8. The proposed driveways shall be no steeper than 1:12 and shall be constructed of a solid bound material.

   Reason: As recommended by Derbyshire County Council (Local Highway Authority) in the interests of highway safety and in accordance with saved policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

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9. No part of the development served by a 'shared private drive' shall be occupied until details of arrangements for bin collection or temporary storage of bins on collection days, located immediately adjacent to the proposed adopted highway, have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the facilities retained for the designated purposes at all times thereafter.

   Reason: As recommended by Derbyshire County Council (Local Highway Authority) in the interests of highway safety and in accordance with saved policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

10. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a Private Management and Maintenance Company, including details of signage and other measures to maintain its private status, has been established.

    Reason: As recommended by Derbyshire County Council (Local Highway Authority) in the interests of highway safety and in accordance with saved policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

Notes

Attention is drawn to the attached notes:

1 The applicant is reminded that the conditions attached to the substantive outline planning permission, reference AVA/2014/1154 are also relevant.

2 The applicant should advice from Severn Trent Water that there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist the applicant obtaining a solution which protects both the public sewer and the building.

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3 The applicant is advised that Amber Valley Borough Council 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.

4 The applicant should note the following advice from Derbyshire County Council's Highway Authority:

i. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.

ii. 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.

iii. Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Highways Development Control Implementation Team, ETE.DevControl@derbyshire.gov.uk

iv. Highway surface water shall be disposed of via a positive, gravity fed system (ie; not pumped) discharging to an approved point of outfall (eg; existing public sewer, highway drain or watercourse) to be sanctioned by the Water Authority (or their agent), Highway Authority or Environment Agency respectively. The use of soakaways for highway purposes is generally not sanctioned.

v. Pursuant to Section 50 (Schedule 3) of the New Roads and Streetworks Act 1991, before any excavation works are commenced within the limits of the public highway, at least 6 weeks prior notification should be given to the Executive Director Economy, Transport and Environment at County Hall, Matlock (tel: 01629 533190 and ask for the New Roads and Streetworks Section).

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vi. The Highway Authority is obliged to serve notice on the developer, under the provisions of the Advance Payments Code part of the Highways Act 1980 (section 219 / 220), to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This takes the form of a cash deposit equal to the calculated construction costs and may be held indefinitely. The developer normally discharges his obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highways Act 1980, or by building roads to a suitably robust standard to enable them to be exempt and the cash deposit returned.

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:

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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.**