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/2022/0463**) which was valid on the 27 May 2022 for permission for **Variation of Conditions attached to Planning Permission AVA/2021/1095 (approved dwellinghouse) - Vary Condition 2 to re-site approved dwellinghouse and for design alterations, Vary Condition 4 to agree Window and door details, Vary Condition 5 to agree boundary treatment, Vary Condition 13 to agree details of biodiversity enhancement and Vary Condition 14 to agree the vehicular access crossing at Land West Of Top Lane Whatstandwell**

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 13/04/2022

   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 plans and drawings:

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Floor Plans - 1919TL 002 Rev _
Received 19th May 2022

Site Location Plan -1919TL 003 Rev A
Block Plan including planting schedule- 1919TL004 Rev A
Received 6th July 2022

Dwelling and Garage Elevations - 1919TL 001 Rev C
Received 29th September 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 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

3. The hereby approved dwelling and garage shall be constructed fully in accordance with the following external materials as set out on the following drawing.
Dwelling and Garage Elevations - drawing 1919TL 001 Rev C received by the Local Planning Authority on 29th September 2023
and as follows:

Elevations - Birchover 215mm Coursed and Tumbled Stone - a sample board shall be made available for the approval of the Local Planning Authority on site prior to its use.
Windows - cream painted timber flush casements to front elevation and cream aluminium flush casements to side and rear.
Doors - Cream aluminium doors to rear
Oak front door - as also shown on photograph.
Oak garage doors - as also shown on photograph.
Roof - Natural slate roofing
Driveway-Natural stone colour block paving driveway
Garden Walls - Birchover natural coursed stone to all garden walls
Paths - limestone paving to all paths
Misc - black gutters and downpipes
Rooflights - to front - Conservation style sitting flush with the roof plane.
Rooflights - to rear - to be no larger than the dimensions as shown on the plan - 1919TL001 Rev C

Any variation to the agreed externals shall be first submitted to and approved in writing by the Local Planning Authority. Once agreed the development shall proceed fully in accordance with the agreed details.

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Reason: In the interests of protecting the visual amenity and character of the locality in accordance with Policies LS3, H12 and EN27 of the Adopted Amber Valley Borough Local Plan 2006.

4. The windows and doors to the property, shall match those as shown on the approved drawing Drawing no: 1919TL 001 Rev C received by the Local Planning Authority on 29th September 2023 and as set out within the Materials Schedule within Condition 2. The Front door and Garage doors shall match as closely as possible to the submitted photographs (received on 19th May 2022).

   The approved windows and doors shall be installed fully in accordance with these agreed details and be maintained in perpetuity.

   Reason: In the interests of protecting the visual amenity and character of the locality in accordance with Policies LS3, H12 and EN27 of the Adopted Amber Valley Borough Local Plan 2006.

5. The existing stone wall to Top Lane shall be retained in perpetuity as a dry stone construction. The remaining boundaries of the site comprise the following treatments:

   North (side) and west (rear) boundaries - 1.2 metre height post and rail fencing.
   South (side) and partial east (front) elevations - new native species hedgerow comprising the following species:

   Hawthorn - 50%
   Blackthorn -30%
   Holly -5%
   Beech - 5%
   Dog Rose-5%
   Guelder Rose -5%

   The agreed boundary treatment scheme shall be implemented fully in accordance with a phasing scheme prior to the occupation of the development. Prior to the installation of the post and rail fence within the Badger Exclusion Zone the proposed installation should be carried out under the supervision of a suitably qualified ecologist and involve a pre-installation survey to identify any issues.

   Reason: In the interests of protecting both protected species and the visual amenity and character of the locality in accordance with Policies LS3, H12, EN13 and EN27 of the Adopted Amber Valley Borough Local Plan 2006.

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6. The secondary southeast facing windows to the utility and bedroom 2 shall be glazed in highly obscured (non-see through) glass and be non-opening. Such work shall be completed prior to the commencement of use of the development and maintained as such thereafter.

   Reason: To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with policies H12 and LS3 of the Adopted Amber Valley Borough Local Plan 2006and Paragraph 130 of the NPPF.

7. Notwithstanding the submitted details, prior to occupation of the hereby approved dwelling the south-east facing balcony screening balustrades, as shown on drawing 1919TL 001 Rev C received by the Local Planning Authority on 29th September 2023, shall be installed as 1.8m high (highly obscured) glazed screens in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority. Once installed the balcony screens shall be maintained in perpetuity for the life of the development.

   Reason: To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with policies H12 and LS3 of the Adopted Amber Valley Borough Local Plan 2006 and Paragraph 130 of the NPPF.

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 (erection of extensions, porches, outbuildings and 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, H12 and EN27 of the Adopted Amber Valley Borough Local Plan 2006 and Paragraph 130 of the NPPF.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no windows (other than those approved by this permission) shall be formed on the elevations of the hereby approved development without the prior written approval of the Local Planning Authority.

   Reason: To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with policies LS3, H12 and EN27 of the Adopted Amber Valley Borough Local Plan 2006 and Paragraph 130 of the NPPF.

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10. Prior to occupation of the hereby approved dwelling, the landscaping scheme as shown on landscaping drawing number 1919TL 003 Rev A dated 26th April 2022 shall be implemented in full. 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 policy LS3, H12 and EN27 of the Adopted Amber Valley Borough Local Plan 2006.

11. The hereby approved development shall be undertaken fully in accordance with the recommendations of the revised tree survey, arboricultural impact assessment and arboriculture method statement dated 16th November 2021 and received 17th February 2022. Any variation to the recommendations of the report shall be first submitted to and approved in writing by the Local Planning Authority.

    Reason: In the interests of preventing any harm to trees within the application site in accordance with policies EN7 and EN8 of the Adopted Amber Valley Local Plan 2006.

12. The development shall be carried out in full accordance with the badger mitigation measures detailed in sections 7.3.1 to 7.3.5 of the Preliminary Ecological Appraisal prepared by Brindle & Green dated December 2021 and shall include the provision of a clearly marked 20m buffer to the badger setts in which no construction activities including the storage of materials and machinery shall take place.

    Reason: In the interests of preventing harm to protected species in accordance with Policy EN13 of the Adopted Amber Valley Borough Local Plan 2006 and Paragraph180 (a) of the NPPF.

13. The details of the proposed bat roost boxes and lighting schedule as set out in the Biodiversity Enhancement Plan dated 29/04/2022 are acceptable. This approved scheme shall be implemented prior to the first occupation of the dwelling and retained in perpetuity for the life of the development.

    Reason: In the interests of preventing harm to protected species in accordance with Policy EN13 of the Adopted Amber Valley Borough Local Plan 2006 and Paragraph 180 (d) of the NPPF.

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14. No part of the development, hereby permitted, shall be occupied until such a time as the vehicular sight lines of 2.4m x 43m visibility splays in both directions have been provided at the site access. The sightlines shall be maintained throughout the life of the development clear of any object greater than 1m in height (0.6m in the case of vegetation) in relation to the adjoining nearside carriageway channel level. These approved details shall be implemented on site fully in accordance with the approved drawing 1919TL003 Rev A received by the Local Planning Authority on 6th July 2023.

    Reason: In the interests of highway safety in accordance with Policy TP1 of the Adopted Amber Valley Borough Local Plan 2006 and Paragraph 110(b) of the NPPF.

15. Prior to occupation of the hereby approved dwellinghouse, the vehicle parking and turning areas shall have been completed and thereafter retained in perpetuity for those purposes at all times.

    Reason: In the interests of ensuring sufficient parking is provided in the interests of highway safety, in accordance with Policy TP6 of the Adopted Amber Valley Borough Local Plan 2006 and Paragraph 110 of the NPPF.

16. The access drive to Top Lane shall have a gradient no steeper than 1 in 12 for the first 5 metres from the nearside highway boundary on Top Lane.

    Reason: In the interests of highway safety in accordance with Policy TP1 of the Adopted Amber Valley Borough Local Plan 2006and Paragraph 110 of the NPPF.

Notes

Attention is drawn to the attached notes:

1 Pursuant to Section 184 of the Highways Act 1980 prior notice shall be given to the Highway Authority before any works commence in highway on the proposed vehicular access.

2 Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, 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 you obtaining a solution which protects both the public sewer and the building.

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3 The applicant is advised that there may be Japanese Knotweed present on the site, and that they should undertake an inspection of the site to ensure that any Japanese Knotweed present is dealt with under the correct procedures.

4 it is important to ensure that any new sett entrances that may be closer to the new access are taken into account and it is recommended that prior to construction activities a walkover survey is completed to check for any changes in the use of the area by badger. This could be conducted at the same time as the 20m buffer area is demarcated as required under condition 12.

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.

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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.