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/2021/1211**) which was valid on the 10 November 2021 for permission for **Proposed dwelling and detached garage at Land Adj To The Croft Somme Road Allestree**

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.

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2. The development hereby permitted shall be carried out only in accordance with the details and specifications shown on the following drawings:

   Block Plan - un-numbered
   Site Plan - Sheet 1
   First floor Plans - Sheet 2
   Ground floor plans and elevations - Sheet 3
   Elevations and Sections - Sheet 4
   Garage Plan - Sheet 5
   Received on 9th November 2021

   Location Plan
   Received on 11th July 2022

   Drainage Plan - Drg No: A5379-140-P2
   Site Levels Layout - Drg No: A5379-110-P2
   Received on 19th September 2023

   Reason: To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application in accordance with policies LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

3. No above ground 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 and Paragraph 130 of the NPPF.

4. Notwithstanding the approved plans, prior to occupation of the dwelling, full details of the proposed treatment of the boundary(ies) of the site and the bin dwell area shall have 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.

   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 and Paragraph 130 of the NPPF..

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5. Prior to occupation of the dwelling a scheme of hard and soft landscaping shall be submitted to and approved by the Local Planning Authority. This shall include a tree protection plan with an appropriate scaled drawing, informed by descriptive text where necessary, based upon the finalized proposals, showing trees for retention and illustrating the tree and landscape protection measures and shall include the following:
a - a clear indication of the precise location of protective barriers to be erected to form a construction exclusion zone around the retained trees.
b - show the extent and type of ground protection, and any additional physical measures, such as tree protection boxes, that will need to be installed to safeguard vulnerable sections of trees and their RPAs where construction activity cannot be fully or permanently excluded.

   All planting, seeding or turfing indicated on the approved landscaping scheme 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 H12 of the Adopted Amber Valley Borough Local Plan 2006 and Paragraph 130 of the NPPF.

6. Prior to first occupation of the dwelling hereby permitted, the vehicular and pedestrian access of standard splayed design shall be created to Somme Road, laid out, constructed and provided with visibility splays of 2.4m of maximum achievable over the site frontage in both directions, the area in advance of the sightlines being maintained throughout the life of the development clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.

   Reason: In order to maintain an acceptable standard of visibility for the access in the interests of road traffic safety in accordance with policy TP1 of the Adopted Amber Valley Borough Local Plan 2006 and Paragraph 110(b) of the NPPF.

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7. Prior to first occupation of the dwelling hereby approved, the area of hardstanding situated between the front wall of the dwelling and the back edge of the footway shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

   Reason: To ensure the provision of adequate facilities to dispose of surface water in accordance with policy EN15 of the Adopted Amber Valley Borough Local Plan 2006 and Paragraph 110(b) of the NPPF.

8. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) July 2021 - Ref:20190-01-FRA-01 - Mewes Engineering Consultants Ltd and the following mitigation measures as detailed within the FRA: -
   1. Finished floor levels are set no lower than 66.10m above Ordnance Datum (AOD).
   2 The flood resilient design methods as detailed in section 4.13 are to be incorporated into the final design.
   The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

   Reason: To reduce the risk of flooding to the proposed development, future occupants and to mitigate against the impact of flooding to the development in accordance with saved policy EN15 of the Adopted Amber Valley Borough Local Plan 2006 and Paragraph 167(b)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), the parking and garage spaces shall not be used for any purpose other than parking of vehicles, except without prior permission of the Local Planning Authority.

   Reason: To ensure the provision of adequate parking facilities in accordance with policy TP6 of the Adopted Amber Valley Borough Local Plan 2006 and Paragraph 110(b) of the NPPF.

10. There shall be no gates or other barriers within 6m of the carriageway and any gates shall open inwards only.

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

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11. The proposed access/driveway to Somme Road shall be no steeper than 1 in 14 over its entire length.

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

Notes

Attention is drawn to the attached notes:

1 Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water in-site as opposed to traditional drainage approaches which involve piping water off-site as quickly as possible.

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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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:

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.**