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/2022/1005**) which was valid on the 11 November 2022 for permission for **Erection of new dwelling at Land At Hob Hill Hob Hill Hazelwood**

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 plans and drawings as follows:

   Block Plan, Drg no : 220210-PEV-00-22-DR-A-0200
   Elevations, Drg no: 220210-PEV-00-22-DR-A-3100
   Floor plans 1: Drg no: 220210-PEV-00-22-DR-A-1200
   Floor plans 2: Drg no: 220210-PEV-00-22-DR-A-1201
   Section, Drg no: 220210-PEV-00-22-DR-A-4100

   Proposed Access Arrangement (ARDENT) Drg No: 2102380-001A

   Tree Constraints Plan: RSE-5883-TCP-V1
   Tree Survey RSE-5883

   Landscape Strategy, Golby & Luck, Landscape Architects. October 2022;
   Landscape Masterplan, Golby & Luck, Landscape Architects. October 2022;

   Received on 10th November 2022

   Reason: To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application in accordance with policy LS3, EN7 and TP1 of the Adopted Amber Valley Borough Local Plan 2006.

3. No 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.

4. No part of the development shall be occupied or brought into use until the new vehicular access is formed to Hob Hill with visibility splays as defined on drawing no. 220210-PEV-00-XX-DR-A-0200, which is cleared of all obstructions to driver's visibility. The visibility splays shall subsequently be maintained free of any visual obstruction thereafter.

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

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5. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed new verge/margin outside the development site resulting from the hedgerow replanting have been submitted to and approved by the Local Planning Authority. The verge/margin 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 agreement has been established.

   Reason: In the interests of highway safety; to ensure satisfactory future maintenance of the margin and to safeguard the visibility impact onto the highway in accordance with Policy TP1 of the Adopted Amber Valley Local Plan 2006 and Paragraph 110(b) of the NPPF.

6. No development shall be commenced until details of the proposed parking and manoeuvring areas within the site have been submitted to, and approved in writing, by the Local Planning Authority. These facilities shall thereafter be retained for use at all times.

   Reason: To ensure that adequate provision is made on the site for the traffic generated by the development in accordance with Policy TP6 of the Adopted Amber Valley local Plan 2006 and Paragraph 110 (b) of the NPPF.

7. There shall be no gates or other barriers within 5m of the near side highway boundary and any gates shall open inwards only, unless otherwise agreed in writing by the Local Planning Authority.

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

8. No development shall take place (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials) until a Construction 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.
   a) Risk assessment of potentially damaging construction activities.
   b) Identification of "biodiversity protection zones" (e.g., retained habitats, trees).
   c) Practical measures for reptiles, badger and birds (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
   d) The location and timing of sensitive works to avoid harm to biodiversity features.

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e) The times during construction when specialist ecologists need to be present on site to oversee works.
f) Responsible persons and lines of communication.
g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
h) Use of protective fences, exclusion barriers and warning signs.
The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect protected wildlife species and their habitats in accordance with Policy EN13 of the Amber Valley Local Plan 2006 and Paragraphs 174 and 180 of the NPPF.

9. No external lighting shall be installed on or around the buildings or the boundary of the site until a detailed lighting scheme has been submitted to and approved in writing by the Local Planning Authority 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 lightspill to any sensitive ecological zones/features. Such approved measures will be implemented in full.

Reason: In accordance with Policy LS3 of the Adopted Amber Valley Local Plan 2006 and Paragraph 180 of the NPPF

10. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme for both hard and soft landscaping including the planting in and around the proposed attenuation basin and river swales and shall include the indicative planting as set out within the Landscape Strategy GL1809- Issue 1 and Landscape Masterplan GL1809-14

All planting, seeding or turfing indicated on the approved landscaping scheme shall be carried out prior to the development being brought into use. 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 Policies LS3 and EN7 of the Adopted Amber Valley Borough Local Plan 2006.

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11. Prior to any landscaping works commencing, details of the proposed mixed native hedging to be used as part of the proposed boundary treatments, shall be submitted and approved in writing by the Local Planning Authority. The proposed hedgerows shall comprise a mix of between 5-7 species including an indication of sizes of indigenous tree saplings at both planting out and at maturity shall form part of these details. All hedgerows, both newly planted and existing, shall be retained and maintained in perpetuity. Any specimens which die, or are damaged, removed or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted. The proposed hedgerows shall be carried out within the first planting season of the first phase of development.

    Reason: To ensure that the development has a satisfactory appearance, is carried out within a reasonable time and maintained in accordance with Policies LS3, EN7 and EN8 of the Adopted Amber Valley Local Plan 2006 and Paragraph 180 (c) of the NPPF.

12. The finished floor level of the proposed development shall be agreed on site by the Local Planning Authority. Any alterations to this shall be subject to the 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 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

13. The living accommodation within the 'barn' building hereby approved shall be used as living accommodation, ancillary to the associated main household, and shall not be severed as an independent and unconnected residence.

    Reason: The creation of a dwelling independent of the main household would not normally be permitted on this site due to the special circumstances of which the development as a whole has been approved in accordance with Paragraph 80 (e) of the NPPF.

14. 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, C and E of Part 1 of Schedule 2 (erection of extensions, roof alterations and/or roof extensions, outbuildings) 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.

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15. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

    Reason: To ensure that the drainage system is constructed to the national Non statutory technical standards for sustainable drainage and CIRIA standards C753 in accordance with policy EN15 of the Adopted Amber Valley Borough Local Plan 2006.

16. There must be no discharge of surface water to the foul sewer.

    Reason: The foul sewer has inadequate capacity to accommodate any surface water discharge in accordance with policy EN15 of the Adopted Amber Valley Borough Local Plan 2006.

17. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:
    a. Hexa Consulting Drainage Statement - reference no: 600597, Rev V)1 dated 24.08.2022
    b. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the Local Planning Authority.

    The attenuation ponds should not be brought into use until such a time as they are fully designed and constructed in line with the detailed specification.

    Reason: To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the Local Planning Authority, in advance of full planning consent being granted in accordance with policy EN15 of the Adopted Amber Valley Borough Local Plan 2006.

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18. All site preparation, demolition and construction activities shall comply with the following:

a. Operating hours:
No works, or deliveries to and from the site, shall occur other than between 08:00 and 18:00 hours on weekdays and between 08:00 and 13:00 hours on Saturdays. No works shall take place on Sundays or bank holidays. Any essential extension to these hours, other than for emergency works, shall be agreed with the Local Planning Authority before work commences. Activities that do not create noise and disturbance to residents may still take place outside these hours;

b. Noise and vibration:
All activities shall comply with British Standard BS 5228 'Code of practice for noise and vibration control on construction and open sites'.
A health and safety risk management system shall be designed and implemented to eliminate or minimise reversing and the use of high-pitched reversing alarms, for example, use of broadband reversing alarms - see Health and Safety Executive (HSE) guidance at:
https://www.hse.gov.uk/workplacetransport/information/reversing.htm

c. Dust/Particulate emissions:
No visible dust/particulate matter shall be emitted beyond the site boundary. At such times as the prevention of nuisance is not possible, dust/particulate generating activities shall temporarily cease until such time as dust suppression measures become effective. The on-site crushing and/or screening of bricks, tiles or concrete must only be conducted under an environmental permit and the Borough Council's Environment Unit must be notified of any such activities at least 7 days prior to their commencement. No vehicle shall leave the site unless in a clean condition such that it does not deposit dust or mud on the highway.
Any such deposits shall be removed from the highway at least once daily;

d. Waste:
No unwanted materials shall be disposed of on site by burning;

e. Lighting:
Any temporary site lighting shall be positioned on site to minimise light trespass and glare.

Reason: To protect residential amenity in accordance with policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

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Notes
Attention is drawn to the attached notes:

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

2 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 - Place 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: https://www.derbyshire.gov.uk/transport-roads/roads-traffic/licences-enforcements/vehicular-access/vehicle-accesses-crossovers-and-dropped-kerbs.aspx

E-mail highways.hub@derbyshire.gov.uk or Telephone Call Derbyshire on 01629 533190.

3 The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the owner.

4 Pursuant to Section 163 of the Highways Act 1980, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the highway 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.

5 No stripping, demolition works or vegetation clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

6 The lighting strategy 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.

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Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018)

7 The formal written consent of Severn Trent Water must be obtained for the method of foul water disposal, notwithstanding that planning permission is hereby granted for this development.

8 The applicant is advised to investigate the disposal of all surface water from the development to either an appropriate system of soakaways or separate surface water drainage, and not to discharge into the foul sewerage system without the prior approval of Severn Trent Water Ltd.

9 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.

10 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.

11 The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to this decision. Failure to do so could result in LEGAL action being taken by the Amber Valley Borough Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not hesitate to contact the Development Control Section of the Authority on 01773 570222 ((INSERT)).

12 No stripping, demolition works or vegetation clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance.
If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present

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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.**