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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 the saved policies of the Adopted Amber Valley Borough Local Plan 2006, and with reference to your application (**Office Code: AVA/2023/0546**) which was valid on the 5 July 2023 for permission for **Outline planning application for two dwellings. Resubmission of AVA/2014/0734 at Bonnie View 91 Old Road Heage.**

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. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

   Reason: To prevent the accumulation of planning permissions: to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The approval of the Borough Council shall be obtained prior to the commencement of any development in respect of the access to, appearance, landscaping, layout and scale of the buildings.

   Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

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3. The development shall be undertaken in accordance with the details contained in the plans listed below and any conditions attached to the permission:

   Position of new access shown on Proposed Site Plan (drawing number 002) received on 5th July 2023
   Location Plan received on 5th July 2023

   Reason: To define the terms of the permission

4. Before any other operations are commenced, a new vehicular and pedestrian access shall be formed to Old Road, located, designed, laid out, constructed and provided with visibility splays of 2.4 m x 47 m in both directions or 2.4 m x maximum achievable visibility over the site frontage in both directions, all as agreed in writing with the Local Planning Authority, 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 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.

5. The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking of vehicles, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.

   Reason: In the interests of road traffic safety in accordance with policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

6. The access, the subject of condition 4 above, shall not be taken into use until 2m x 2m x 45 degree pedestrian intervisibility splays have been provided on either side of the access at the back of the footway, the splay area being maintained throughout the life of the development clear of any object greater than 0.6m in height relative to footway level.

   Reason: In the interests of road traffic safety in accordance with policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

7. The proposed access/driveway to Old Road shall be no steeper than 1 in 14 over the entire length.

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Reason: In the interests of road traffic safety in accordance with policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

8. 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.

   Reason: In the interests of securing biodiversity enhancements in accordance with Policy EN13 of the Adopted Amber Valley Borough Local Plan 2006.

9. Prior to construction works, a Bat and Bird Box Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include, as a minimum, the installation of:
   - 2x integral universal nest brick, close to eaves level and avoiding south facing elevations.
   - 2x integral bat brick, at eaves level and favouring south facing elevations.

   The plan shall detail the proposed bat and bird box locations along with the models of the boxes that will be obtained.

   - Use of native trees and shrubs and/or flowering lawns as part of the landscaping scheme.

   Such approved measures shall be implemented in full and maintained thereafter. Photographs of these features in situ shall be submitted to and agreed in writing by the Local Planning Authority and shall be maintained in perpetuity.

   Reason: In the interests of securing biodiversity enhancements in accordance with Policy EN13 of the Adopted Amber Valley Borough Local Plan 2006.

Notes

Attention is drawn to the attached notes:

1 The works required for the widening of the footway and creation of any access(es) shall be the subject of an Agreement under Section 278/72 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the

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County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works.

Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained by contacting this Authority via email - es.devconprocess@derbyshire.gov.uk The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

2 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 householder.

3 Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps 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 (eg; street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

4 Car parking provision should be made on the basis of (a maximum ratio of 1 parking space plus 1 space per 2 units for visitors per 1 bedroom dwelling, 2 spaces per unit for 2-3 bedroom dwellings and 3 spaces per unit, of which no more than 2 shall be in line, for a 4/4+ bedroom dwelling respectively). Each parking bay should measure 2.4m x 4.8m with adequate space behind each space for manoeuvring.

5 The application proposals are affected by a Prescribed Building Line under the Roads Improvement Act 1925. Whilst it is an offence to undertake building works in advance of this line, it may be possible for the applicant to apply to rescind the line. The applicant is advised to write to the Strategic Director of the Economy, Transport and Environment Department at County Hall, Matlock, DE4 3AG, at least 6 weeks before commencing works requesting that the line be removed and confirming that they will meet the Authority's administrative / legal costs if the removal is approved. For further advice, please contact Mr G Hill, Principle Engineer, Development Control (tel: 01629 538647).

6 The layout and levels of the site should be constructed to allow a level or ramped approach to the main entrance of each house. A gradient of 1 in 15 from the footpath to the finished floor level will generally provide a suitable approach. the path or drive that provides access should have a surface, which is firm and even.

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7 Development Low Risk Area - Standing Advice

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

8 The newly published British Standard (BS 42021:2022 Integral nest boxes - Selection and installation for new developments) provides specifications on the number and type of integral boxes that should be sought within new developments. For example:
1. To provide new and enhanced opportunities for nesting, the number of integral nest boxes on new residential developments shall at least equal the number of dwellings, i.e., the ratio of integral nest boxes to dwellings is 1:1.

2. External nest boxes are additional to the installation of integral nest boxes on new developments and should not be included as part of the 1:1 ratio.

This is also supported by the National House Building Council Foundation, the standard-setting body for new homes: "Section 8.1 Nest sites for birds (page 42): "Provision of integral nest sites for swifts is through hollow chambers fitted into the fabric of a building while in construction.
Although targeting swifts they will also be used by house sparrows, tits and starlings so are considered a 'universal brick".

Reasons for 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 relevant Neighbourhood Plans, and saved policies of the Adopted Amber Valley Borough Local Plan 2006;

LS1 - Sustainability criteria
LS3 - Design
H3 - Housing development within settlements
H12 - Design and amenity considerations
EN2 - Green Belt
EN8 - Landscape Features

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TP1 - Impact on the Transport Network
TP6 - Parking
RNH2 - Other Sites For New Housing Development

In detail:

The National Planning Policy Framework (NPPF) is a material consideration in planning decisions. In accordance with Paragraph 186 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.**