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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/2022/0492**) which was valid on the 13 June 2022 for permission for **Erection of dwelling and detached garage at Land At West Bank West Bank Ambergate**

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 **REFUSED for the following reasons:**

Reasons

1. The amount, scale and layout of the isolated development would not reflect the established pattern of the development in the area. Due to its siting on greenfield land outside of the built framework of the settlement, the dwelling would be detached from and not reflective of the existing pattern of the residential and associated development within the settlement boundary. The 'Grand Design' approach to the dwelling together with the detached garage/workshop, new access road and the vehicular turning/parking area serving one dwelling would result in unnecessary urbanisation and loss of rural character of the site and surrounding countryside, exacerbated by the topography of the site in relation to existing properties nearby. The proposal is therefore contrary to saved policies LS3 and H12 of the Adopted AVBC Local Plan.

2. The siting and scale of the dwelling would be detrimental to the amenities of the adjoining and nearest houses on Derby Road, resulting in a loss of outlook and privacy to the gardens. The development would therefore be contrary to saved policy H12 and

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the Council's Adopted Residential Development Supplementary Planning Document which collectively seek to ensure that all new proposals do not unduly affect the amenities or privacy of adjoining or adjacent properties, including overlooking.

3. The introduction of development in close proximity to the woodland, would be detrimental to the trees resulting in pressures for inappropriate pruning and removal of the trees to allow more light into the proposed dwelling and outdoor amenity space. This would significantly impact the amenity value of these trees which are important landscape feature that contribute to the verdant character of the area and the World Heritage Site. Therefore the proposal fails to meet the requirement of saved policy EN8 of the adopted AVBC Local Plan and policy EE1 of the Neighbourhood Plan which seek to take into account existing local landscape distinctiveness, prevent damage and destroying trees and woodland.

4. Insufficient information has been submitted to demonstrate whether the proposal would result in a loss of important biodiversity features and no details have been provided to establish the harm to any protected species. The proposal provides no compensatory mitigation measures to minimise this harm. The application therefore failed to meet the requirements of saved Policy EN13 of the Adopted AVBC Local Plan, which requires to avoid adverse impacts on protected species, reduce their disturbance to a minimum and provide adequate alternative habitat.

5. Due to the siting, scale, amount and access of the development, the proposal would generate additional traffic movements on the unadopted restricted West Bank resulting in dangerous conflict to driver/driver and driver/pedestrian to the detriment of such users that would exacerbate the risk of accident especially for vulnerable users during busy period. With the additional traffic movements associated with the proposed development using an access/junction with reduced and impaired drivers' visibility on the highway, the additional merging/turning manoeuvres at the highway junction would lead to conditions prejudicial to the safety and free flow of traffic on the highway where inter-visibility driver/driver driver/pedestrians is restricted. All would jeopardise highway safety significantly. As such the proposal would not accord with saved policies TP1 and H12 of the Adopted AVBC Local Plan which require all developments to provide satisfactory access to the transport network.

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Notes

Attention is drawn to the attached notes:

In detail:

The processing of this planning application has been undertaken in accordance with the requirements of the National Planning Policy Framework (NPPF). Dialogue between the applicant and Local Planning Authority has been undertaken to try and address the issues associated with the proposal. This includes the request for amended plans/additional information and allowing a delay in the determination of the application to give the applicant the opportunity to address the concerns, however, the issues have failed to be resolved.

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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. **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.**
3. **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.**
4. **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.**
5. **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

6. **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.**
7. **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.**
8. **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".**
9. **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.**
10. **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.**