Simon Gladwin
Executive Director (Operations)
Development Management

Town Hall
Ripley
Derbyshire DE5 3BT
Tel: 01773 570222
Fax: 01773 841523
Email: enquiry@ambervalley.gov.uk
Web: www.ambervalley.gov.uk

Mr Roy Newstead
1 Dobholes Lane
Smalley
Ilkeston
DE7 6EN

Mr Marshall
1 Moorside Lane
Holbrook
Belper
Derbyshire
DE560TW

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/2023/0068**) which was valid on the 27 January 2023 for permission for **Outline application for 2 detached dwellings, including means of access at 1 Dobholes Lane Smalley Ilkeston**

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 development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.

   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.

Date : 11 December 2023

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3. The development hereby permitted shall be carried out only in accordance with the details and specifications shown on the following drawing:
Proposed Site Plan, Drg no: 103 REV A (2 dwellings)
Received on 26th October 2023

Proposed Access, Drg no: A105
received on 14th July 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 of the Adopted Amber Valley Borough Local Plan 2006.

4. Prior to the commencement of any work, including clearing of the site, an arboricultural report for approval in the format of BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations' shall be submitted for approval by the Local Planning Authority.

This report shall include:

- A survey of all trees which are likely to be impacted upon by the proposed development, with details and categorisation results provided in `an appropriate schedule (a per BS5837:2012 sections 4.4 - 4.6)
- Trees clearly identified as either retained or removed (including trees on land adjacent to the site with canopies or RPAs which encroach onto the site).
- Clear specifications for all proposed management works to retained trees.
- A realistic assessment of the probable impacts between the trees and development (as per BS5837:2012 section 5.3.4)
- Root protection areas (RPA) and construction exclusion zones.
- Exclusion zone protective barriers (giving precise locations and specification).
- The position of all new underground services in relation to RPAs.
- Detailed specification and installation method statement for any proposed new structure, hardstanding, underground service or works access into RPAs.
- Method statements for all other construction operations which impact on trees.
- Positions and specification (following BS8545:2014 'Trees: from nursery to independence in the landscape - Recommendations' as appropriate) for all new tree planting.
- Reinstatement and ground preparation for new tree planting and areas of soft landscaping.

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Reason: To prevent unnecessary damage to existing trees and to ensure the appropriate compensatory measures are in place to provide appropriate landscaping within the site boundaries in accordance with policy EN8 of the Adopted Amber Valley Borough Local Plan 2006.

5. The development hereby approved shall not be occupied until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 43 metres in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6 metres from the edge of the carriageway. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.

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

6. Prior to building works commencing above foundation level, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority to achieve a net gain in biodiversity in accordance with the NPPF 2021. Measures shall include (but are not limited to) the following:
   - 3x Integrated Universal Bat Brick (Avoiding southern elevations)
   - 3x Insect/Bee Brick (Including details on position/specification)
   - Native planting and tree replacement.

   Such approved measures shall be implemented in full and maintained thereafter.

   Reason: In the interests of biodiversity enhancement in accordance with Policy EN13 of the Adopted Amber Valley Local Plan 2006 and Paragraph 180 (d) of the NPPF.

7. This permission relates to the erection of single storey development only.

   Reason: To define the terms of this permission and for the avoidance of any doubt and in the interests of the visual amenity and character of the locality in accordance with policy LS2 12 of the Adopted Amber Valley Borough Local Plan 2006.

8. No work above foundation level shall commence on site until such time as adequate means of disposal of surface water have been constructed and brought into use in accordance with a scheme to be agreed in writing with the Local Planning Authority.

   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.

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Notes
Attention is drawn to the attached notes:

1 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

2 All excavations shall be covered overnight or else have an escape ramp to prevent entrapment of badgers, hedgehogs and other wildlife. All pipework greater than 150 mm shall be blanked off at the end of the day and chemicals shall be stored securely. Topsoil mounds shall be checked for badger activity prior to removal or re-use. An ecologist shall be contacted if any evidence of badger activity is found within the application area during development.

3 Site clearance shall be undertaken in a manner by which to safeguard hedgehogs. All rubble piles, leaf piles, compost heaps, dense vegetation and other general debris that could be used for shelter shall be carefully cleared by hand to a location such as a skip, other container or raised pallets. This shall be undertaken prior to machinery entering site and avoiding the core hibernation period (November-February). If a hedgehog is discovered during clearance it shall be moved immediately and carefully with gloved hands to an area of shelter such as beneath adjacent hedgerow/bushes.

4 The Local Highway Authority has no objection to the above subject to the applicant obtaining a section 184 license. The construction of a new access will require the extension of a verge and/or footway crossing from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Derbyshire Highways

5 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

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6 The development as shown on the indicative layout should be of single storey development only so as to prevent overlooking and loss of privacy in accordance with the Council's Adopted Supplementary Planning Guidance on Residential Development..

7 The arboricultural report should be in the format of BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations'. This should include an up-to-date Arboricultural Impact Assessment, tree protection plans and appropriate method statements (as per section 5 & 6 of BS5837:2012) to allow for proper consideration.

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;

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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.**