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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/2022/1123**) which was valid on the 10 January 2023 for permission for **Variation of condition 20 of AVA/2021/1343 to allow for restricted opening windows to the northern elevation of plot 5 at Wessington Lodge Chesterfield Road Oakerthorpe**

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 planning permission AVA/2021/1343 (18.11.2022)

   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 : 18 January 2024

Signed

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2. The development shall be carried out in accordance with the details contained in the submitted plans listed below and with the conditions attached to approved application AVA/2021/1343.

   Site Location Plan - drawing number 21_005-CH-XX-ZZ-DR-W- 1001 dated 21/07/2021
   Proposed Block Plan - drawing number S-001 Rev D dated 13/09/2022
   Plot 1 Floor Plans and Elevations - drawing number P1-001 Rev B dated 27/06/2022
   Plots 1, 2, 3 and 4 Elevations - drawing number S-002 Rev C dated 13/09/2022
   Plot 2 Floor Plans and Elevations - drawing number P2-001 Rev C dated 13/09/2022
   Plot 3 and 4 Floor Plans - drawing number P3 and 4 - 001 Rev C dated 13/09/2022
   Plot 3 and 4 Elevations - drawing number P3 and 4 - 002 Rev C dated 13/09/2022
   Plot 5 Elevations - drawing number P5-002 Rev B dated 27/06/2022
   Plot 5 Floor Plans - drawing number P5-001 Rev B dated 27/06/2022
   Plot 6 Floor Plan and Elevations - drawing number P6-001 Rev B dated 27/06/2022

   and plans P5-001 and P5-002 received with this application AVA/2022/1123 received 10.01.2023.

   Reason: In order to define the permission.

3. No development shall take place to the external elevations or roof of the dwellings 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 and EN24 of the Adopted Amber Valley Borough Local Plan 2006.

4. No windows or doors shall be installed until the precise specification has been submitted to and approved in writing by the Local Planning Authority. The agreed windows and doors shall then be installed fully in accordance with the approved details and be maintained in perpetuity for the life of the development.

   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.

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5. The hedgerows referred to on drawing number S-001 Revision D dated 13/09/2022 shall be retained in perpetuity for the life of the development and reinforced with native hedgerow.

   Reason: To ensure the satisfactory appearance of the development and in the interests of ecology, in accordance with Policies LS3, H12 and EN13 of the Adopted Amber Valley Borough Local Plan 2006.

6. Notwithstanding the requirements of Condition 5, no work shall commence to the boundary treatment of the site until full details of the proposed treatment of the remaining external and internal site boundaries, which shall include details of estate railings to the site entrance, have been submitted to and approved by the Local Planning Authority. The agreed boundary treatment 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 LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

7. Notwithstanding the submitted details, prior to occupation of the hereby approved dwellings, a landscaping scheme shall be submitted to and be approved by the Local Planning Authority. Any trees or plants shall be planted in accordance with the agreed landscaping scheme in the first planting season and any trees/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 H12 of the Adopted Amber Valley Borough Local Plan 2006.

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8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no development relating to Class A, B, C, D, E of Part 1 of Schedule 2 (erection of extensions, additions to the roof, other alterations to a roof, porches and incidental 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 and safeguard the secured design and appearance of the properties within the setting of the Listed Building in accordance with policies LS3, H12 and EN24 of the Adopted Amber Valley Borough Local Plan 2006.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no windows (other than those approved by this permission) shall be formed on the elevations of the hereby approved development without the prior written approval of the Local Planning Authority.

   Reason: To protect the character and visual amenities of the locality and safeguard the secured design and appearance of the properties within the setting of the Listed Building in accordance with policies LS3, H12 and EN24 of the Adopted Amber Valley Borough Local Plan 2006.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no development relating to Class C of Part 2 of Schedule 2 (exterior painting of the dwellinghouses) shall be undertaken without the prior written approval of the Local Planning Authority.

    Reason : To protect the character and visual amenities of the locality and safeguard the secured design and appearance of the properties within the setting of the Listed Building in accordance with policies LS3, H12 and EN24 of the Adopted Amber Valley Borough Local Plan 2006.

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11. Prior to construction work above foundation level, precise details of the location and type of a bird and bat box to include alternative swallow nest provision to be provided within the development shall be submitted to enable integrated features and approved in writing by the Local Planning Authority. Once agreed the bird and bat box shall be installed fully in accordance with the approved details prior to first occupation of the site and maintained in perpetuity for the life of the development.

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

12. Prior to commencement of development a new vehicular and pedestrian access shall be created to the existing farmhouse to Chesterfield Road in accordance with the revised application drawing S-003 Revision A, laid out, constructed and provided with 2.4m x 103m visibility splays 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 adjoining nearside carriageway channel level.

    Reason: This is a pre-commencement of development condition which is necessary in the interests of highway safety to provide the farmhouse with a mean of vehicular access and parking in accordance with Policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

13. Prior to commencement of development, the existing access to Chesterfield Road shall be modified in accordance with the application drawing S-003 Revision A, laid out, constructed and provided with 2.4m x 103m visibility splays in both directions, the area in advance of the sightlines being maintained 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: This is a pre-commencement of development condition which is necessary in the interests of highway safety in accordance with Policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

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14. Prior to commencement of development (excluding creation of the new accesses the subject of conditions 12 and 13 above), the existing redundant vehicular access to Chesterfield Road shall be permanently closed with a physical barrier and the existing vehicle crossover reinstated as footway and verge in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority.

    Reason: This is a pre-commencement of development condition necessary in the interests of highway safety in accordance with Policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

15. Throughout the construction phase, space shall be provided within the site curtilage for storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives and visitors vehicles, laid out and constructed and maintained throughout the contract period free from any impediment to its designated use.

    Reason: In the interests of highway safety during the construction period in accordance with Policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

16. Throughout the construction phase vehicle wheel cleaning facilities shall be provided and retained within the application site and all construction vehicles shall have their wheels cleaned before leaving the site.

    Reason: In order to prevent the deposition of mud or other extraneous material on the public highway in the interests of highway safety in accordance with Policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

17. The hereby approved dwellings shall not be occupied until space has been provided within the application site in accordance drawing S-001 Revision D for the parking and manoeuvring of residents and service and delivery vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

    Reason: In the interests of highway safety in accordance with Policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

18. There shall be no gates or other barriers within 5m of the nearside highway boundary and any gates shall open inwards only.

    Reason: In the interests of highway safety in accordance with Policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

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19. Prior to occupation of the first dwelling, a bin store shall be provided adjacent to the Chesterfield Road highway and within the site curtilage, fully in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority.

    Reason: In the interests of highway safety in accordance with Policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

Notes

Attention is drawn to the attached notes:

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 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.

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.

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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.**