S Gladwin
Chief Executive
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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/2021/0881**) which was valid on the 11 August 2021 for permission for **Construction of three new detached dwellings at Land To Rear Of 23 The Common The Common Crich**

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.

Date : 12 February 2024

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2. The hereby approved development shall be carried out in accordance with the details of the following documents and drawings:

   Site Location Plan (Drg. No. 04A)
   Site Layout (Drg. No. 02C)
   Plans and Elevations (Drg. No. 03B)
   Site Sections (Drg. No. 06B)
   Badger Report (SENSITIVE) (Ref. N0. 231140, dated 27 Nov. 2023)
   Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement (dated 24 August 2022)

   Reason: To define the terms of the permission.

3. All tree protection measures described in the Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement (dated 24 August 2022) shall be implemented in full and maintained throughout the period of site clearance and construction works of the development.

   Reason: To prevent unnecessary damage to existing trees in accordance with saved policy EN8 of the Adopted Amber Valley Borough Local Plan 2006.

4. Notwithstanding the submitted information, no development shall commence (excluding site clearance works) until details of both hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. Hard landscaping detail shall include hard surfacing materials and the soft landscaping details shall show a planting scheme which includes a schedule of plants noting species, plant sizes and proposed numbers/densities, including a tree planting plan to mitigate tree losses stating final specification of species, stock size and aftercare provision. The hard and soft landscaping works shall thereafter be provided before the development is first brought into use. Any plants or trees in the planting scheme that are removed, die or become seriously damaged or diseased within a period of 5 years from the date of planting shall be replaced with others of similar size and species in the next planting season, unless the Local Planning Authority gives written consent to any variations.

   Reason: To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings in accordance with saved policies LC2 and LS3 of the Adopted Amber Valley Borough Local Plan 2006.

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5. Prior to the commencement of development details, including photographic images and samples of all materials to be used in construction of external walls and roofs of the buildings shall be submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out using the agreed materials.

   Reason: To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings in accordance with saved policies LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

6. Notwithstanding the submitted information, no development shall commence (excluding site clearance works) until details of the height, design, materials and colour finish of all site boundary treatment consisting of walls, fences or other means of enclosure and retaining structures (both existing and proposed) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the boundary treatment shall be installed in accordance with the approved details before the first occupation of the development.

   Reason: To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings in accordance with saved policies LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

7. Notwithstanding the provisions of Classes A, B, C, D, E, F, G and H of Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no development contained within these classes shall be carried out unless planning permission has first been granted by the Local Planning Authority.

   Reason: To protect the residential amenity of the existing adjacent dwellings in accordance with saved policies LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

8. In respect to the dwelling within Plot 3, the ground and first floor windows on the south facing elevation shall be fitted with obscure glass and shall be of a non-opening design up to a minimum height of 1.7 metres above the internal finished floor level. The windows shall not be replaced or altered without the prior written permission of the Local Planning Authority.

   Reason: To protect the residential amenity of the existing adjacent dwellings in accordance with saved policies LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

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9. In respect to the dwelling within Plot 1, no windows/openings shall be inserted on the north facing elevation without the prior written permission of the Local Planning Authority.

   Reason: To protect the residential amenity of the existing adjacent dwellings in accordance with saved policies LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

10. Prior to commencement of development hereby permitted, (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials) a badger survey for any recently excavated badger setts on the site or within 30 metres of the site boundary which shall be undertaken in accordance with any appropriate mitigation/licensing requirements, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved mitigation measures and implemented in full.

    Reason: This pre-commencement condition is required to ensure the development does not have an adverse impact upon species specifically protected under the schedules of the Wildlife and Countryside Act 1981 in accordance with saved policy EN13 and to promote the biodiversity on the local area in accordance with saved policies EN8 and EN13 of the Adopted Amber Valley Borough Local Plan 2006.

11. Notwithstanding the submitted information, no development shall commence (excluding site clearance works) until details of a wildlife corridor along the eastern end of the site shall be submitted to and approved in writing by the Local Planning Authority. This shall consist of 1m wide gap, protected with a fence between it and the gardens and the corridor shall be planted with native species. The wildlife corridor shall be implemented in accordance with the approved details and retained as such for the lifetime of the development.

    Reason: To ensure the development does not have an adverse impact upon species specifically protected under the schedules of the Wildlife and Countryside Act 1981 in accordance with saved policy EN13 and to promote the biodiversity on the local area in accordance with saved policies EN8 and EN13 of the Adopted Amber Valley Borough Local Plan 2006.

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12. Prior to any construction above foundation level, a scheme of biodiversity enhancement shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include, as a minimum, the information of integrated (inbuilt) features within the new dwellings for roosting bats and nesting swifts, the installation of hedgehog gaps in boundary walls/fencing and the use of native species within the landscaping details. The scheme shall be implemented in accordance with the approved details as construction proceeds and completed prior to the first occupation of the development.

    Reason: This pre-commencement condition is required to ensure the development does not have an adverse impact upon species specifically protected under the schedules of the Wildlife and Countryside Act 1981 in accordance with saved policy EN13 and to promote the biodiversity on the local area in accordance with saved policies EN8 and EN13 of the Adopted Amber Valley Borough Local Plan 2006.

13. The development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on drawing 02C, this will also include the relocation of the telegraph pole.

    Reason: In the interest of highway safety in accordance with saved policies TP1 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

14. Before any other operations are commenced the existing vehicular access to The Common shall be modified in accordance with the application drawings, laid out, constructed and provided with visibility sightlines extending from a point 2.4m from the carriageway edge, measured along the centre line of the access, to the extremities of the site frontage abutting the highway in each direction. The land in advance of the sightlines shall be maintained in perpetuity 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: In the interest of highway safety in accordance with saved policies TP1 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

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15. All 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 the guidance in British Standard BS 5228-1:2009+A1:2014 'Code of practice for noise and vibration control on construction and open sites - Part 1: Noise' (Section 8 and Annex B) and Part 2: Vibration' (Section 8).
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;

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;

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 the residential amenity of the existing dwellings in accordance with saved policies LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

16. The development hereby permitted shall have finished floor levels as shown on drawing titled 'Site Layout (Drg. No. 02C). Any alteration to this shall be subject to the written approval of the Local Planning Authority prior to the commencement of any works.

Reason: To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with saved policies LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2016.

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Notes

Attention is drawn to the attached notes:

1 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.

2 The applicant should note that the application site does not fall within the defined Development High Risk Area; however, it falls within their standing advice area. Therefore, the applicant is advised to note The Coal Authority's Standing Advice in the interests of public health and safety.

3 The applicant should note that 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 details can be found at www.derbyshire.gov.uk/transport-roads/roads-traffic/licences-enforcements/vehicular-access/vehicle-accesses-crossovers-and-dropped-kerbs.aspx or email highways.hub@derbyshire.gov.uk before commencing any works on the highway.

4 The applicant/developer should note advice from Derbyshire Wildlife Trust that the development should take measure to ensure that it accords with Natural England's Standing Advice on badger and that access for foraging land is not impeded or dispersal routes between areas of foraging ground or setts is not affected.

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

5 Nesting birds and bats, their roots and their access to these roosts, are protected under the Wildlife and Countryside Act 1981 and the Conservation (Natural Habitat etc) Regulation 1994. Therefore, should birds or bats be present, works should be deferred until the late summer/autumn.

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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:

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 and character, residential amenities, highway safety, trees and ecology.

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.**