S Gladwin
Chief Executive
Development Management

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Ms Fionnuala McKenna
Geda Construction Company Ltd
9 High Street
Kegworth
DE74 2DA

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/2023/0106**) which was valid on the 14 February 2023 for permission for **Variation of condition 19 of AVA/2020/0156 to change wording to 'No dwelling shall be occupied, until the permanent vehicular access to the site has been provided via Mansfield Road, fully in accordance with the revised application drawing' at Land Adjacent 45 Mansfield Road Mansfield Road Alfreton**

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 29th June 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.

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 this consent:

   Site Location Plan - drawing number 2545/P 100 A dated 05/02/2020
   Proposed Site Layout Plan - drawing number 2545/P 102 M dated 05/02/2020
   Plots 1 and 2 - drawing number 2545/P 200 dated 17/01/2020

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Plots 3 & 4, 17 & 18, 28 & 29, 30 & 31 - drawing number 2545/P 201 A dated 17/01/2020
Plots 5-7 - drawing number 2545/P 202 dated 17/01/2020
Plots 8 to 10 - drawing number 2545/P 203 dated 17/01/2020
Plots 11&12, 13&14, 15&16, 19&20 - drawing number 2545/P 204 A dated 17/01/2020
Plots 21-24 - drawing number 2545/P 206 A dated 17/01/2020
Plots 25-27 - drawing number 2545/P 207 A dated 17/01/2020
Plots 32&33 - drawing number 2545/P 209 B dated 17/01/2020
Plot 34 - drawing number 2545/P 210 dated 27/01/2020
S278 Layout 12007-WMS-ZZ-XX-DR-C-39511-S8 P4 S278 Site Clearance 12007-WMS-ZZ-XX-DR-C-39512-S8 P4
S278 Kerbs and Surfacing 12007-WMS-ZZ-XX-DR-C-39513-S8 P3
S278 Construction Details 12007-WMS-ZZ-XX-DR-C-39514-S8 P3 S278 Contours 12007-WMS-ZZ-XX-DR-C-39515-S8 P2
S278 Road Markings 12007-WMS-ZZ-XX-DR-C-39516-S8 P2 S278 Legal Plan 12007-WMS-ZZ-XX-DR-C-39517-S8 P2
S278 Street Lighting Design Pack 54900246

Reason: In order to define the permission.

3. No development shall commence until:

a) A Remediation Method Statement (the "RMS") to address any remediation required by the Assessment including a plan for how the remediation methods will be verified, has been submitted and approved in writing by the Local Planning Authority.

b) The development shall be undertaken in strict compliance with the requirements contained within the approved RMS. Any proposed revisions to the RMS must be submitted and approved in writing by the Local Planning Authority prior to any changes in remediation methods.

c) If during development works, any contamination is encountered which was not previously identified and is derived from a different source and/or of a different type to those already identified, then no further works shall take place until a revised RMS is submitted to and
approved in writing by the Local Planning Authority and the works shall then be carried out in accordance with the revised RMS.

d) If during development work, site contamination is found in areas previously expected to be uncontaminated, then the remediation of those areas shall be carried out in accordance with the approved RMS.

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e) No building shall be occupied unless and until a Verification Report in accordance with the RMS has been submitted to and approved in writing by the Local Planning Authority.

f) All investigations, assessments and reports must be carried out by a suitably qualified competent person previously agreed in writing by the Local Planning Authority and in accordance with the most recent version of BS 10175: Code of practice for the investigation of
potentially contaminated sites.

Reason: This is a pre-commencement of development condition required to ensure the site is developed free from unacceptable levels of contamination, as required by policy EN18 of the Adopted Amber Valley Borough Local Plan 2006.

4. If any part of the site is to be raised or filled using materials brought from outside the application site, the developer shall provide documentary evidence that all such materials are free from levels of contamination that would be in excess of current appropriate standards. In the event that no such evidence is available, the materials must be subjected to adequate chemical or other testing to demonstrate that the materials are suitable for their intended final use. All documentary evidence and/or sampling methodology and testing results shall be submitted to and agreed in writing by the Local Planning Authority prior to any material being brought onto site. No such materials shall be imported without prior approval.

   Reason: The importation of contaminated materials may result in the need for remediation works at a later date if the land is subsequently identified as contaminated land under the terms of Part IIA of the Environmental Protection Act 1990, in accordance with Policy EN18 of the Adopted Amber Valley Borough Local Plan 2006.

5. The Development shall be carried out in accordance with the Remedial Method Statement by Elemental GI Ltd dated march 2023.

   Reason: This is a pre-commencement of development condition to ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution as required by Paragraph 170 of the National Planning Policy Framework and Policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

6. Prior to first occupation of the development, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation, shall be submitted to, and approved in writing, by the Local

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Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution as required by Paragraph 170 of the National Planning Policy Framework and Policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

7. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until a remediation strategy detailing how the
contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The remediation strategy shall then be implemented fully in accordance with the approved scheme prior to the first occupation of the development.

   Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution as required by Paragraph 170 of the National Planning Policy Framework and Policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

8. The agreed scheme of biodiversity enhancement as set out in e Ecological Enhancements Strategy (Paul Hicking Associates, 2022) shall be implemented fully in accordance with the agreed details as construction proceeds, completed prior to first occupation and maintained in perpetuity for the life of the development.

   Reason: In the interests of securing a net gain for biodiversity, in accordance with Policy EN13 of the Adopted Amber Valley Borough Local Plan 2006.

9. All site preparation, demolition and 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;
   b) Noise and vibration:
   All activities shall comply with British Standard BS 5228 'Code of practice for noise and vibration control on construction and open sites'.

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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, for example, use of broadband reversing alarms - see Health and Safety Executive (HSE) guidance at: https://www.hse.gov.uk/workplacetransport/information/reversing.htm;

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. The on-site crushing and/or screening of bricks, tiles or concrete must only be conducted under an environmental permit and the Borough Council's Environment Unit must be notified of any such activities at least 7 days prior to their commencement. No vehicle shall leave the site unless in a clean condition such that it does not deposit dust or mud on the highway. Any such deposits shall be removed from the highway at least once daily;

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: In the interests of protecting residential amenity, as required by policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

10. The sustainable drainage scheme shall be constructed and maintained as set out in the documents listed below.

1. William Saunders. (18/01/2023). S104 Layout, 12007-WMS-ZZ-XX-DR-C-39201-A-C1
2. William Saunders. (06/10/2022). Drainage Layout, 12007-WMS-ZZ-XX-DR-C-39201-S8-P4
3. William Saunders. (18/01/2023). S104 Long Sections, 12007-WMS-ZZ-XX-DR-C-39211-A-C1
4. William Saunders. (18/01/2023). S104 Drainage Schedules, 12007-WMS-ZZ-XX-DR-C-39212-A-C1
5. William Saunders. (07/10/2022). Drainage Schedules, 12007-WMS-ZZ-XX-DR-C-39206-S8-P1
6. William Saunders. (19/01/2023). S104 Construction Details, 12007-WMS-ZZ-XX-DR-C-39213-A-C1
7. William Saunders. (19/01/2023). S104 Control Chamber Details, 12007-WMS-ZZ-XX-DR-C39214-A-C1

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Construction of the sustainable drainage scheme shall begin as soon as is practicably possible mitigating the risk of flooding to adjacent property and pollution of surrounding watercourses during construction, including the installation of flow limitation devices to ensure adherence to the agreed greenfield discharge rates off site as per documents:

1. William Saunders. (19/01/2023). S104 Control Chamber Details, 12007-WMS-ZZ-XXDR-C-39214-A-C1

Construction activities should be managed in line with the CIRIA Guidance on the Construction of SuDS Manual C768, to ensure that the effectiveness of the sustainable drainage features is not compromised.

Surface water will discharge into a public surface water sewer at a rate of 5 l/s, limited by a hydrobrake, and attenuated in 3 underground tanks with a total volume of 210m2 supplemented by a length of large diameter sewer.

Reason: This is necessary to ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the Local Planning Authority, in advance of full planning consent being granted, in accordance with Policy EN15 of the Adopted Amber Valley Borough Local Plan 2006.

11. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer shall be submitted to and approved by the Local Planning Authority to demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

    Reason: To ensure that the drainage system is constructed to the national Non-statutory technical standards for sustainable drainage and CIRIA standards C753, in accordance with Policy EN15 of the Adopted Amber Valley Borough Local Plan 2006.

12. Throughout the entire period of development, vehicle wheel cleaning facilities shall be provided and retained within the site and all construction vehicles shall have their wheels cleaned before leaving the site.

    Reason: In order to prevent the deposition of mud and other extraneous material on the public highway in the interests of highway safety, as required by Policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

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13. No development shall not be occupied until the permanent vehicular access to the site has been provided via Mansfield Road, fully in accordance with the revised application drawing.

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

14. The carriageways of the proposed estate road shall be constructed in accordance with Condition 14 above up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageways and
    footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.

    Reason: In the interests of highway safety, as required by Policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

15. No dwelling shall be occupied until access has been formed to the new estate street, provided with 2m x 33m visibility sightlines, unless agreed otherwise, the area in advance maintained free from any objects exceeding 1m in height (600mm if vegetation) relative to the
    adjacent carriageway channel level, and 2no 2m x 2m x 45º pedestrian intervisibility splays. The area in advance maintained free from any objects exceeding 600mm.

    Reason: In the interests of highway safety, as required by Policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and/or re-enacting that Order) the hereby approved garage/car parking spaces shall be retained and shall not be used for any purposes other than the garaging/parking of private motor vehicles associated with the residential occupation of each property.

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Reason: To ensure sufficient off-street parking is retained in perpetuity for future occupiers, in the interests of highway safety, in accordance with Policy TP6 of the Adopted Amber Valley Borough Local Plan 2006.

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

    Reason: In the interests of highway safety, as required by Policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

18. The proposed driveways shall be no steeper than 1:12 and shall be constructed of a solid bound material.

    Reason: In the interests of highway safety, as required by Policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

19. No part of the development served by a 'shared private drive' shall be occupied until the of arrangements for temporary storage of bins on collection days, located immediately adjacent to the proposed adopted highway as per drawing number 2545/C 102 K has been carried out fully in accordance with the agreed details and the facilities retained in perpetuity for the life of the development.

    Reason: In the interests of highway safety, as required by Policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

20. 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 of Part 1 of Schedule 2 (erection of extensions, porches, roof alterations and 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 in accordance with policies LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

21. The development shall be carried out in accordance with the application drawing, in regard of finished floor levels:
    o Site Levels Strategy 12007-WMS-ZZ-XX-DR-C-39001-S8-P6

    Reason: To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with policies LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

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22. The development shall be carried out in accordance with the materials schedule approved reference Rev A, dated 14/05/2024.

    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.

23. The agreed scheme for the proposed treatment of the boundaries of the site, as set out on drawings
    - Proposed L Wall Elevations and Details ref MRA-FPM-XX-XX-DR-X-0302 Rev C01
    - Proposed L Wall General Arrangements Ref MRA-FPM-XX-XX-DR-X-0301 Rev C01
    - Gravity Retaining Wall Plan and Details Ref 12007-WMS-ZZ-XX-D-S-21412-S3-P1
    - Site Levels Strategy 12007-WMS-ZZ-XX-DR-C-39001-S8-P6 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 policies LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

24. Prior to occupation of the any dwelling, 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 policy H12 of the Adopted Amber Valley Borough Local Plan 2006.

25. 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 safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with policies LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

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26. Prior to first occupation of any dwelling, the provision for electric vehicle charging to serve the dwellings shall be implemented in accordance with drawing 2545/C 102 K. EV charging points shall be provided prior to the occupation of the associated dwellings. Once provided the charging points shall be retained thereafter.

    Reason: To ensure the sustainability of the development in accordance with Local Plan Policies EN16 and EN17, and Section 8 of the NPPF.

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:

In detail:

Statement of compliance with Article 35 of the Town & Country (Development Management Procedure) (England) Order 2015:

The Authority worked with the applicant is a positive and pro-active manner based on seeking solutions to problems arising in the processing of planning applications in full accordance with this Article. The applicant had engaged in pre-application discussions with the Authority prior to submission of the application. The applicant was given clear advice as to what information would be required.

In accordance with Section 100ZA of the Town & Country Planning Act 1990, as amended and the Town and Country Planning (Pre-commencement Conditions) Regulations 2018 ('the Regulations'), the applicant has been provided with a draft schedule of the conditions attached to this report. In accordance with Regulation 3 (a) of the Regulations, the applicant has provided a substantive response to the effect that they agree with the imposition of the pre-commencement conditions.

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

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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, 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.