S Gladwin
Chief Executive
Development Management

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

Miller Homes and Redrow Homes Ltd
2 Centro Place
Pride Park
Derby
DE24 8RF

Mrs Helen Dawkins
Miller Homes Ltd
2 Centro Place
Pride Park
Derby
DE24 8RF

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/2022/0459**) which was valid on the 9 June 2022 for permission for **Submission of reserved matters for the erection of 550 dwellings, strategic landscaping and POS and associated infrastructure following the approval of outline application AVA/2019/0297 at Land Boarded By Ashbourne Road And Radbourne Lane Ashbourne Road Mackworth.**

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 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.

2. The hereby approved development shall be carried out in accordance with the following approved documents and drawings:
   Planning Layout 1 of 3 - Drg. No. RLMD-100-001, Rev D
   Planning Layout 2 of 3 - Drg. No. RLMD-100-002, Rev. D
   Planning Layout 3 of 3 - Drg. No. RLMD-100-003, Rev. D

Date : 12 July 2024

Signed

S Gladwin

Simon Gladwin
Chief Executive

Affordable Housing Plan 1 of 3 - Drg. No. RLMD-104-001, Rev. D
Affordable Housing Plan 2 of 3 - Drg. No. RLMD-104-002, Rev. D
Affordable Housing Plan 3 of 3 - Drg. No. RLMD - 104-003, Rev. D
Illustrative Landscape Masterplan - Drg. No. P22-0926_01, Rev. E
Street Scenes - Drg. No. 5732-100-11, Rev. B
Street Scenes - Drg. No. 5732-100-12
Redrow Housetype Brochure 16 June 2023
Miller Housetype Pack - Village, Green Edge and Cottage, May 2023
Miller Street Scenes MP3/SS/01
Arboricultural Assessment, August 2023, Rev. B
Planning Engineering Layout Sheet 1 of 2- Drg. No. 21-011_02_01.1, Rev. I
Planning Engineering Layout Sheet 2 of 2- Drg. No. 21-011_02_01.2, Rev. I
Planning Tracking Sheet 1 of 2 - Drg. No. 21-011_02_02.1, Rev. I
Planning Tracking Sheet 2 of 2 - Drg. No. 21-011_02_02.2, Rev. I
Planning Surface Finishes Sheet 1 of 2 - Drg. No. 21-011_02_03.1, Rev. G
Planning Surface Finishes Sheet 2 of 2 - Drg. No. 21-011_02_03.2, Rev. G
Road and Sewer Longitudinal Sections Sheet 1 of 7 - Drg. 21-011_02_05.1, Rev. B
Road and Sewer Longitudinal Sections Sheet 2 of 7 - Drg. 21-011_02_05.2, Rev. B
Road and Sewer Longitudinal Sections Sheet 3 of 7 - Drg. 21-011_02_05.3, Rev. B
Road and Sewer Longitudinal Sections Sheet 4 of 7 - Drg. 21-011_02_05.4, Rev. B
Road and Sewer Longitudinal Sections Sheet 5 of 7 - Drg. 21-011_02_05.5, Rev. B
Road and Sewer Longitudinal Sections Sheet 6 of 7 - Drg. 21-011_02_05.6, Rev. B
Road and Sewer Longitudinal Sections Sheet 7 of 7 - Drg. 21-011_02_05.7, Rev. B
Typical Highway Details Sheet 1 of 1 - Drg. No. 21-011_02_06.1
Tree Protection Plan - Drg. No. 11377-T-02, Rev. F
Bat Presence and Absence Surveys, prepared by Brindle & Green, Ref. No.BG20.239.2, REV1, dated April 2022
Heritage Note, prepared by Pegasus Group, dated 21/02/2024
Character Area Plan, Phase 3 - Drg. No. MP3/CA/01
Cottage Housetype Pack, dated May 2023
Green Edge Housetype Pack, dated May 2023
Village Housetype Pack, May 2023
Street Scenes - Drg. No. MP3/SS/01
Design Compliance Statement, February 2024, P21-0841
Materials Distribution, Ref. No. P21-0841_DE_0010
Materials Distribution Plan 1 of 3 - Drg. No. RLMD-102-001, Rev. D
Materials Distribution Plan 2 of 3 - Drg. No. RLMD-102-002, Rev. D
Materials Distribution Plan 3 of 3 - Drg. No. RLMD-102-003, Rev. D
Boundary Treatment Plan 1 of 3 - Drg. No. RLMD-103-001, Rev. D
Boundary Treatment Plan 2 of 3 - Drg. No. RLMD-103-002, Rev. D
Boundary Treatment Plan 3 of 3 - Drg. No. RLMD-103-003, Rev. D
Boundary Treatment, Ref. No. P21-0841_DE_0010
Presentation Layout - Drg. No. P21-0841-07, Rev. F

Date : 12 July 2024

Signed

S Gladwin

Simon Gladwin
Chief Executive

Radbourne Lane, Derby - Accommodation Schedule
Refuse Plan 1 of 3 - Drg. No. RLMD-105-001, Rev. F
Refuse Plan 2 of 3 - Drg. No. RLMD-105-002, Rev. F
Refuse Plan 3 of 3 - Drg. No. RLMD-105-003, Rev. F
Sustainable Transport Plan 1 of 3 - RLMD-110-001, Rev. A
Sustainable Transport Plan 2 of 3 - RLMD-110-002, Rev. A
Sustainable Transport Plan 3 of 3 - RLMD-110-003, Rev. A

Reason: To ensure that development takes the form envisaged by the Local Planning Authority when determining the application in accordance with saved policy LS3 of the Adopted Amber Valley Borough Local Plan 2006 and NPPF.

3 Notwithstanding any description/details of external materials in the application documents no above ground construction works shall commence until named samples or named coloured photographic illustration of the materials to be used in the construction of the external walls and roofs of the buildings have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with the approved details, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the completed development in accordance with saved policy LS3 of the Adopted Amber Valley Borough Local Plan 2006.

4. Prior to occupation of each individual dwelling hereby permitted, electric car charging infrastructure shall be installed.

Reason: In the interests of the air quality and amenity of local residents and to comply with policy EN16, EN17 and NPPF.

5. Notwithstanding any description/details in the application documents, no above ground works shall commence until details of the height, design, materials and colour finish of all site boundary walls, fences or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall thereafter be provided before the first occupation of the development and thereafter be retained as such.

Reason: to ensure the satisfactory appearance of the development in accordance with saved policy LS3 of the Adopted Amber Valley Borough Local Plan 2006.

6. No street lighting shall be installed until a detailed lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The street lighting scheme shall include details of the location, design, intensity and spread of the external

Date : 12 July 2024

Signed

Simon Gladwin
Chief Executive

lighting. The lighting scheme shall thereafter be installed in accordance with the approved details and be maintained as such.

Reason: To safeguard the amenities of the surrounding occupiers from undue light nuisance and to ensure the satisfactory appearance of the development in accordance with saved policies H12 of the Adopted Amber Valley Borough Local Plan 2006.

7. The development hereby approved shall not be occupied until the access, parking and turning facilities that that individual building to the nearest public highway has been provided as shown on drawings Planning Layout 1 of 3 - Drg. No. RLMD-100-001, Rev D, Planning Layout 2 of 3 - Drg. No. RLMD-100-002, Rev. D, Planning Layout 3 of 3 - Drg. No. RLMD-100-003, Rev. D.

Reason: To ensure conformity with submitted details, in the interest of highway safety in accordance with Adopted Amber Valley Borough Local Plan 2006 and NPPF.

4. No works or development shall take place until full details of all proposed street tree planting, root protection systems, future management plan, and the proposed times of planting, have been approved in writing by the local planning authority, and all tree planting shall be carried out in accordance with those details and at those times.

Reason: To ensure the continued wellbeing of the trees in the interests of the amenity and environmental quality of the locality, in accordance with the saved Policy EN13 of the Adopted Amber Valley Borough Local Plan 2006 and NPPF.

9. Prior to commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:
a) Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
b) Advisory routes for construction traffic;
c) Any temporary access to the site;
d) Locations for loading/unloading and storage of plant, waste and construction materials;
e) Method of preventing mud and dust being carried onto the highway;
f) Arrangements for turning vehicles;
g)Arrangements to receive abnormal loads or unusually large vehicles;
h) Highway Condition survey;
i) Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Date : 12 July 2024

Signed

Simon Gladwin
Chief Executive

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development, in the interest of highway safety in accordance with saved policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

10. Notwithstanding the submitted information, no development shall commence, including ground works, construction activities and deliveries to the site of any materials or equipment until and unless an Arboricultural Method Statement and Tree Protection Plan in the format of BS5837:2012 have been submitted to and approved in writing by the Local Planning Authority. The measures within the approved Arboricultural Method Statement shall thereafter be implemented and maintained until the completion of all construction related activities, unless otherwise first agreed in writing by the Local Planning Authority.

    Reason: To protect the trees and the future well-being of the trees in the interest of visual amenity of the area and in accordance with saved policies EN7 and EN8 of the Adopted Amber Valley Borough Local Plan 2006.

11. Notwithstanding any description/details in the application documents, details of both hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development hereby permitted. Hard landscaping details shall include hard surfacing materials (e.g. permeable hard surfaces). The soft landscaping details shall show a planting scheme which includes a schedule of plants noting positioning, specification of new tree planting along with tree pit design, species, plant sizes and proposed numbers/densities, soil volume calculation, including measures to prevent damage to hard surface (e.g. root barriers, root deflectors, grid systems). 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 variation.

    Reason: To ensure that the approved landscaping scheme is implemented in a diligent way in the interests of the visual amenities of the locality and ensure satisfactory appearance of the development in accordance with saved policies LS3, EN7 and EN8 of the Adopted Amber Valley Borough Local Plan 2006.

12. The development shall be carried out in accordance with the mitigation and compensation measures outlined in the Bat Presence and Absence Survey report prepared by Brindle & Green dated April 2022 Rev 1 unless varied by a European Protected Species licence subsequently issued by Natural England, a copy of which

Date : 12 July 2024

Signed

Simon Gladwin
Chief Executive

shall be submitted to the Local planning Authority. The agreed features for roosting bats shall be permanently installed in accordance with the approved details.

Reason: In the interests of protection and enhancement of the biodiversity and landscaping, in accordance with the saved Policy EN13 of the Adopted Amber Valley Borough Local Plan 2006.

13. Notwithstanding any description/details in the application documents, details of replacement hedgerow to be planted along Radbourne Lane shall be submitted to and approved in writing by the Local Planning Authority, unless otherwise agreed in writing. The replacement hedgerow shall comprise a diverse mix of native tree and shrub species and shall exceed the length of the hedgerow that is being destroyed. The hedgerow planting shall be carried out in accordance with the approved details prior to the first occupation of the first dwelling. Any plants 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 variation.

    Reason: In the interests of protection and enhancement of the biodiversity and landscaping, in accordance with the saved Policy EN13 of the Adopted Amber Valley Borough Local Plan 2006.

14. At least one swift brick and integral bird boxes shall be incorporated into the fabric of each dwelling unless otherwise agreed in writing by the Local Planning Authority.

    Reason: In the interests of protection and enhancement of the biodiversity, in accordance with the saved Policy EN13 of the Adopted Amber Valley Borough Local Plan 2006.

15. The proposed wildflower meadows as shown on the Illustrative Landscape Masterplan August 2023 shall be created using a diverse species mix such as Emorsgate EM2 Standard General Meadow Mix (which contains 20 herbs and 5 grasses) or a mix of equivalent diversity or greater.

    Reason: In the interests of protection and enhancement of the biodiversity, in landscaping accordance with the saved Policy EN13 of the Adopted Amber Valley Borough Local Plan 2006.

16. All veteran trees shall be retained within the site including a root protection area and appropriate buffer zone, which shall be whichever is greater of, either an area which is a radius of 15 times the diameter of the tree with no cap of 5 metres from the edge of the tree's canopy. Mitigation measure to minimise the deterioration of the veteran trees shall be submitted to and approved in writing prior to commencement of the

Date : 12 July 2024

Signed

S Gladwin

Simon Gladwin
Chief Executive

development hereby permitted, including any site clearance and construction works. Approved measures shall be implemented in full and maintained thereafter.

Reason: Tree retention must be considered as part of the development, prevent a loss and deterioration of the veteran trees, to ensure protected species and their habitats are no unduly harmed during the development in accordance with saved policies EN8, EN13 and EN14 of the Adopted Amber Valley Borough Local Plan 2006 and paragraph 186(c) of the NPPF.
[Note: The buffer zones for veteran tress are agreed with the lates Government guidance as set out in Ancient woodland, ancient trees and veteran trees: advice for making planning decision - GOV.UK (www.gov.uk)]

17. Prior to construction of the Proposed Neighbourhood Equipped Area for Play as identified on the approved plan titled 'Illustrative Landscape Masterplan' - Drg. No. P22-0926_01, rev. E, details of its construction, including enclosure shall be submitted to and approved in writing by the Local Planning Authority. Thereafter Proposed Neighbourhood Equipped Area for Play and its enclosure shall be carried out in strict accordance with the approved plan and retained in perpetuity.

    Reason: To ensure the satisfactory appearance of the development in accordance with saved policy LS3 of the Adopted Amber Valley Borough Local Plan 2006.

Notes

Attention is drawn to the attached notes:

1 The applicant/developer should note that the development would affect the Rights Of Way. It should not be assumed that grant of the planning permission which will affect a Rights of Way does not entitle developers to obstruct a Rights of Way. The procedure to divert or stop up a Right of Way is separate to the planning process. It must not be assumed that because planning permission has been granted that an Order to divert or to stop up an affected Right of Way will be successful.

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:

Date : 12 July 2024

Signed

S Gladwin

Simon Gladwin
Chief Executive

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, character and design, landscape or 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.

Date : 12 July 2024

Signed

Simon Gladwin
Chief Executive

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.**