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

Mr and Mrs Wilson
Wingfield Lodge
Moorwood Moor
South Wingfield
DE55 7NU

Mr Simon Foote
Simon Foote Architects
74 Friar Gate
Derby
DE1 1FN
United Kingdom

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/2022/0167**) which was valid on the 2 March 2022 for permission for **Replacement dwelling to create a 5 bedroom detached dwelling with underground garage at The Moorlands Potters Lane Moorwood Moor**

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.

2. The development hereby permitted shall be carried out only in accordance with the details and specifications shown on the following drawings:
   Ground and First Floor plans, Drg no 21-708-00-4.2 PO1
   Elevations, Drg no 21-708-00 4.2 PO2 Rev A
   Received on 13th June 2023

   Proposed Block Plan ,Drg no 21-708-PO3
   received on 22nd February 2022

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Signed S Gladwin

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Reason: To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application in accordance with policies LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006

3. No above ground development shall take place 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 of the Adopted Amber Valley Borough Local Plan 2006.

4. On -site parking provision should be made available prior to first occupation of the dwelling hereby permitted. Parking shall be provided on the basis of 2 spaces for up to and including a 3-bedroom dwelling and 3 spaces for in excess of a 3-bedroom dwelling.

   Reason: In accordance with the established policy of the Local Planning Authority to ensure that domestic vehicles and those of visitors, may be parked clear of the public highway in accordance with policy TP6 of the Adopted Amber Valley Borough Local Plan 2006.

5. No demolition works shall be permitted until an appropriate bat licence has been obtained from Natural England, confirmation of which shall be submitted to the Local Planning Authority. Upon receipt of a licence from Natural England, works shall proceed strictly in accordance with the approved mitigation, which should be based on the proposed measures outlined in the Updated Bat Activity Survey Report (RSE_5942_R1_V1) (ML Ecology May 2024) and amended as necessary based on correspondence with Natural England. Such approved mitigation will be implemented in full in accordance with the timetable of works included within the licence and followed thereafter. Once granted, a copy of the licence will be submitted to the Local Planning Authority.

   Reason: For the protection of Bats and their Habitats that are known to exist on the site in accordance with Policy EN13 of the Adopted Amber Valley Local Plan and Paragraphs 174 (d) and 180 (a) of the NPPF.

6. Prior to building works commencing above foundation level, a bird box plan shall be submitted to and approved in writing by the LPA to compensate for the impacts of the development. This shall include details of appropriate house martin mitigation to

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compensate for the loss of nesting provision. The enhancements should be implemented in accordance with the approved details and all features retained in that manner thereafter.

Reason: In the interest of biodiversity enhancement in accordance with Policy EN13 of the Adopted Amber Valley Local Plan 2006.

7. Prior to the commencement of any works, including demolition, the tree /hedgerow protection measures as set out within the Arboricultural Method Statement (AIA) prepared by AWA Tree Consultants shall be implemented and retained throughout the construction period.

The protective fencing shall be of the types as indicated within the approved Statement. No materials or plant, are to be stored within the protective zones.

Any new tree planting shall take place once construction works are complete and during the period November-March or the first planting season immediately after construction works have been completed sufficiently to allow such planting to commence.

Any trees which die or are damaged, removed or seriously diseased shall, within the first five years, be replaced by trees of a similar size and species to those originally planted.

Reason: To ensure that the trees on site are retained and adequately protected during and after construction in the interests of the visual amenities of the area in accordance with Policy EN7 of the Adopted Amber Valley Local Plan 2006.

Notes
Attention is drawn to the attached notes:

1 Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

2 No stripping, demolition works, or vegetation clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the

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chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

3 Should any other lighting be required; details shall be to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). Such approved measures will be implemented in full.

4 Given the low status of the bat roosts, the site is eligible for registration under Natural England's Bat Mitigation Class Licence (BMCL) scheme.

5 A statement of good practice including photographs should be submitted to the local planning authority prior to the discharge of condition 6, demonstrating that the enhancements have been selected and installed in accordance with the wording of the condition. above.

6 The buildings on the site may be partially constructed of asbestos-containing materials (ACM) and, as such, must be carefully handled during the demolition process. Demolition activities, including the handling of asbestos containing materials, are regulated by Building Control under the Building Regulations and by the Health and Safety Executive (HSE), so further advice should be sought from them.

General advice in relation to the dismantling of a structure containing asbestos or ACM is to use a registered asbestos removal contractor to ensure that environmental contamination is minimised. Copies of Consignment Notes should be obtained and kept as proof that the materials have been disposed of at a suitably licensed waste facility.

More detailed advice on the safe handling and disposal of ACM can be found on the Borough Council's website (www.ambervalley.gov.uk/environment/pollution/asbestos/).

If in any doubt, contact Derbyshire Building Control Partnership (0333 880 2000) and the Health & Safety Executive (0300 003 1747) for advice prior to demolition works commencing.

Reasons for Granting Permission

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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 National Planning Policy Framework (NPPF) is a material consideration in planning decisions. In accordance with Paragraph 38 of the NPPF the local planning authority has approached the decision-making process in a positive way to foster the delivery of sustainable development and has worked proactively with the applicant/agent to secure a development to improve the economic, social and environmental conditions of the area.

The development complies with the provisions of the development plan for the locality and raises no unresolved issues in relation to the location of the site, privacy, amenity, sunlight/daylight, character and design, landscape or heritage features and highway safety.

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NOTES

1. **If the applicant is aggrieved by the decision of the Local Planning Authority to refuse planning permission or approval for the proposed development or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 78/79 of the Town and Country Planning Act 1990, within six months of the date of this notice. The Secretary of State has power to allow a longer period for the giving of a notice but will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission of the proposed development could not have been granted by the Local Planning Authority or could not have been so granted otherwise that subject to the conditions imposed on them, having regard to the statutory requirements, to the provision of the development order, and to any directions given under the order.**
2. **Cadent Gas own and operate the gas infrastructure within the area of your development. Contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to. Email plantprotection@cadentgas.com. Alternatively, you can register on www.beforeyoudig.nationalgrid.com**
3. **If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council of the County/District in which the land is situated, a purchase notice requiring that council to purchase his interests in the land in accordance with the provisions of Section 180 of the Town and Country Planning Act 1990.**
4. **In certain circumstances a claim may be made against the Local Planning Authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Sections 137 and 138 of the Town and Country Planning Act 1990.**
5. **This permission relates to planning controls only. Any other statutory consent necessary including submission under the building regulations must be obtained from the appropriate Authority.**
6. **If it is intended to give notice of appeal in accordance with Paragraph 1 above, this should be done on the appropriate form obtainable from: -**

   The Planning Inspectorate
   3/23 Hawk Wing, Temple Quay House, 2 The Square Temple Quay Bristol BS1 6PN
   (Tel. No. 0117 372 8000) www.planning-inspectorate.gov.uk

7. **If the condition of consent or reasons for refusal, make reference to a Division of the Department, the appellant may, if he so wishes, require the attendance of a representative from the Department by notification to the Local Planning Authority. Such a representative would not be liable to cross-examination on questions of departmental policy, but only on matters of fact and expert opinion in relation to the appeal site.**
8. **Where a vehicle is habitually drive across a grass verge or kerbed footway to and from premises adjoining a highway, the occupier of the premises may after being given due notice by the appropriate authority, be required to pay the cost of construction of a carriage crossing or the strengthening of a footway, as the authority considers it necessary, or may be required to comply with conditions imposed by the authority.**
9. **In the case of building or premises to which the public are to be admitted whether on payment or otherwise, attention is drawn to Sections 4 and 7 of the Chronically Sick and Disabled Persons Act 1970 and the associated Code of Practice (BS5810:1979). In the case of premises to which the Offices, Shops and Railway Premises Act 1963 or the Factories Act 1962 applies, attention is drawn to Sections 7 and 8A of the Chronically Sick and Disabled Persons Act and to the same code of practice. In the case of Educational Buildings, attention is drawn to Sections 7 and 8 of the Chronically Sick and Disabled Persons Act 1978 and to the Design Note 18 "Access for the Physically Disabled Educational Buildings".**
10. **If the development site is crossed by an electric line or is within 15 metres (50ft) of the nearest part of a line (measure horizontally along the ground) or if there is reason to believe that it may be crossed by an underground electric cable, the applicant should contact the Electricity Board to ascertain if and what special safety precautions are necessary.**
11. **The grant of planning permission does not entitle developers to obstruct a public right of way. Development on so far as it affects a right of way, should not be started, and the right of way should**

be kept open for public use, until the necessary order under Section 247 and 257 of the Town and Country Planning Act 1990 for the diversion of extinguishment of the right of way has been made and confirmed.