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/2022/1032**) which was valid on the 12 December 2022 for permission for **Variation of condition 2 (approved drawings) of AVA/2020/0802 for elevation and garage alterations at Caravan At Catts Court 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 considered to have begun on 1 February 2024.

   Reason: To comply with 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 approved drawings and documents:
   Site Location Plan - Dwg No. 04a dated 03/09/2020
   Block Plan - Dwg. No. 07, Rev. B
   Plot 1 - Ground Floor Plan & First Floor - Dwg. No. 30/22, Reg No. 1
   Plot 1 - Second Floor & Elevations - Dwg. No. 30/22, Reg No. 2
   Plot 1 Garage - Plans & Elevations - Dwg. No. 30/22, Reg No. 10

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Plot 2 - Elevations - Dwg. No. 30/22, Reg No. 4
Plot 2 - Ground Floor, First Floor, Second Floor - Dwg. No. 30/22, Reg No. 3
Plot 3 - Elevations - Dwg. No. 30/22, Reg No 6
Plot 3 - Ground Floor, First Floor, Elevations - Dwg. No. 30/22, Reg No. 5
Plot 3 Garage - Plans & Elevations - Dwg. No. 30/22, Reg No. 8
Coal Mining Risk Assessment - Ref. No. N7287, January 2018
Reptile Surveys, prepared by Arc Ecology, dated September 2018
Ecological Appraisal and Tree Survey, prepared by Arc Ecology, dated March 2018
Biodiversity Impact Assessment, prepared by Morph Ecological Consultants Ltd, dated 3 April 2021, Revised 6 April 2021
Bat Activity Surveys, prepared by Morph Ecological Consultants, dated 17 June 2021
Biodiversity and Ecological Management Plan, prepared by Morph Ecological Consultants, dated May 2022, Revised on June 2022
Tree Survey, Arboricultural Impact Assessment and Method Statement, prepared by Jonathan Oakes Tree Care, dated 30 January 2021
Rotary Probe Drilling & Trial Pit Investigation for Shallow Unrecorded Mine Working - Letter dated 23 August 2022
Block Plan, Reg. No. 10 showing Dwell Arean and Parking

Reason: In order to define the permission.

3. The garage within Plot 3 as identified on the drawing No. 07, Rev B shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling within Plot 3.

   Reason: The ensure that the proposed development is compatible with the existing development in the locality and in accordance with saved policies LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

4. The development hereby permitted shall be carried out in full accordance with the submitted remediation works and mitigation measures.
   Prior to the occupation of the development, a signed statement or declaration confirming that the site is or has been made safe and stable for the approved development shall be submitted to and approved in writing by the Local Planning Authority.

   Reason: To ensure that the site is made safe and stable for the development proposed in accordance with saved policy EN18 of the Adopted Amber Valley Borough Local Plan 2006.

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5. Before the development hereby permitted has been brought into use, the existing vehicular access shall be modified to Chesterfield Road, widened, designated, laid out, constructed and provided with 2.4m x 73m visibility splays in either direction, 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: In the interests of highway safety, in accordance with saved policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.
   [Note: For the avoidance of doubt this would require the street lighting column 69131 to be relocated].

6. Throughout the entirety of the construction period, wheel washing facilities shall be provided within the site and be fully utilised prior to vehicles existing the application site.

   Reason: To prevent the deposition of mud and other extraneous materials on the public highway in the interests of highway safety, in accordance with saved policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

7. Throughout the entirety of the construction phase space shall be made available within the site curtilage for the storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of the site operatives and visitors vehicles in accordance with the submitted details.

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

8. The premises, the subject of the application, shall not be occupied until space has been provided within the application site in accredited the application drawings for the parking and manoeuvring of residents and small 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, accordance with saved policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

9. A bin dwell area shall be provided adjacent to the Chesterfield Road highway for use on refuse collection days fully in accordance with the submitted details. The bin dwell area shall then be retained in perpetuity for the life of the development.
   Reason: In the interests of highway safety, in accordance with saved policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

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

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

11. Prior to occupation of the hereby approved dwellings, a landscaping scheme shall be submitted to and approved in writing 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 witing 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 other 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 surrounding in accordance with saved policy H12 of the Adopted Amber Valley Borough Local Plan 2006.

12. Prior to occupation of the hereby approved dwellings, full details of the proposed treatment of the boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. Any agreed scheme shall be implemented in full accordance with a phased 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 saved policy H12 of the Adopted Amber Valley Borough Local Plan 2006.

13. The external elevations and roofs of the dwellings shall be carried out in accordance with the following submitted materials:
    Brick - Ibstock, Ivanhoe Old Village
    Roof Tiles - Manley Ashmore Old English Dark Red.

    Reason: To ensure the satisfactory appearance of the completed development in accordance with saved policies LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (Or any Oder 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, porches, outbuildings and roof alterations) shall be undertaken without the prior written approval of the Local Planning Authority.

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Reason: To protect the character and visual amenities of the locality in accordance with saved policies LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

15. The development shall be carried out in accordance with the compensation measures detailed in the Bat Activity Surveys letter report prepared by Morph Ecological Consultants dated 17 June 2021. The measures shall include the installation of two boxes on retained trees (in addition to the integrated bat box in one of the new dwellings). The measures shall be implemented prior to the first occupation of the development and retained as such thereafter in perpetuity for the life of the development.

    Reason: In the interest of securing a net gain of habitat in accordance with saved policy EN13 of the Adopted Amber Valley Borough Local Plan 2006.

Notes

Attention is drawn to the attached notes:

1 Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy, Transport & Environment at County Hall, Matlock regarding access works within the highway, information and the relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website
https://www.derbyshire.gov.uk/transport-roads/roads-traffic/licences-enforcement/vehicularaccesses/vehicle-accesses-crossovers-and-dropped-kerbs.aspx
Email highways.hub@derbyshire.gov.uk or
Telephone Call Derbyshire on 01629 533190.
The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chipping or gravel etc). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.
Pursuant to Section 163 of the Highway Act 1980, where the site curtilage slopes down towards the public highway, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.

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Pursuant to Section 149 and 151 of the Highway Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
Further details with regards to the relocation of the street lighting column can be obtained from Derbyshire County Council's Street Lighting Division on 10629 533190.

2 Derbyshire Wildlife Trust advises no removal of trees, hedges or shrubs should take place between 1st March and 31st August inclusive unless a survey to assess the nesting bird activity on the site during this period and a scheme to protect the nesting birds has first been undertaken. No trees, hedges or shrubs should be removed between 1st March and 31st August inclusive.

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 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 and character, residential amenity, safety and stability of the development and contamination.

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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.