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 & Mrs Miles
8 Acresview Close
Allestree
Derby
DE22 2AY

Darleyfield Properties Limited
7 Yeoman Drive
Crich
MATLOCK
DE4 5QL

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/2022/0180**) which was valid on the 7 March 2022 for permission for **Demolition of existing buildings and erection of replacement dwelling house and garage (This may affect the setting of a listed building) at Orchard Cottage 30 Lower 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 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 amended drawings:
   Location plan- proposed, Drg no 08-11A
   Ground and First Floor Plans - proposed-Drg no 08-15 A
   Elevations - proposed- Drg no 08-17 A
   Sections- Drg no 08-20A

Date: 5 September 2024

Signed

Simon Gladwin
Chief Executive

All received on 20th May 2024

Tree Protection plan
Tree Survey plan

Both received on 20th June 2024

Materials schedule
Detail Section Design -Drg no 08-22
Detail Section Design - Drg no 08-23

All received on 6th July 2024

Site plan and roof plan- proposed, Drg no 08-13D
Street Scene Section - proposed -Drg no 08-19C

Both received on 1st August 2024.

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

3. Notwithstanding the approved materials schedule dated 6th July 2024, 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 bricks and roof tiles 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 EN27 of the Adopted Amber Valley Borough Local Plan 2006.

4. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and agreed in writing by the Local Planning Authority (see Advisory Note 1).

   Reason: To ensure that any features of archaeological/historic interest are protected and recorded in accordance with policy EN31 of the Adopted Amber Valley Borough Local Plan 2006 and paragraph 211 of the NPPF.

Date: 5 September 2024 Signed

S Gladwin

Simon Gladwin
Chief Executive

5. Notwithstanding the approved drawings, no above ground development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping including boundary treatments, all hard surfacing, proposed new tree planting and biodiversity enhancements (see advisory note).
All retained trees and hedgerows shall be protected throughout the construction phase in accordance with the approved Tree Protection Plan (Outline Trees, ref: JH0624ORCHARD dated June 2024).
All trees indicated on the approved landscaping scheme shall be selected and planted in accordance with BS3936. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or 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 others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The biodiversity enhancements should be implemented in accordance with the approved details and all features retained in that manner thereafter.

   Reason: To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings in accordance with policies LS3 and EN27 of the Adopted Amber Valley Borough Local Plan 2006.

6. 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 policies TP1 and TP6 of the Adopted Amber Valley Borough Local Plan 2006 and paragraph 114 (b) of the NPPF.

7. The Photovoltaic panels shall be integrated into the slope of the roof and laid between the tiles; prior to installation full details shall be submitted to any approved in writing by the LPA.

   Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Conservation Area in accordance with policies LS3 and EN27 of the Adopted Amber Valley Borough Local Plan 2006.

8. Notwithstanding the approved drawings, all verges shall be plain close and mortared, without bargeboards. All guttering shall be supported by rise and fall brackets fixed directly to the walls.

Date: 5 September 2024 Signed



Simon Gladwin
Chief Executive

Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Building/Conservation Area in accordance with policies LS3 and EN27 of the Adopted Amber Valley Borough Local Plan 2006.

9. Rooflights shall be fitted flush with the roof tiles and laid between the rafters; full details of rooflights shall be submitted to and approved in writing by the LPA

   Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Conservation Area in accordance with policies LS3 and EN27 of the Adopted Amber Valley Borough Local Plan 2006.

10. Notwithstanding the approved drawings, all windows and doors shall be fitted in a rebate of no less than 50mm; full sectional details of the brickwork, lintels, cills and new windows and doors, at a scale of no less than 1:5 shall be submitted to and approved in writing by the Local Planning Authority before installation.

    Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Conservation Area in accordance with policies LS3 and EN27 of the Adopted Amber Valley Borough Local Plan 2006.

11. Notwithstanding the approved drawings, all details of externally mounted services and vents shall be submitted to and agreed by the Local Planning Authority in writing prior to installation.

    Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Building/Conservation Area in accordance with policies LS3 and EN27 of the Adopted Amber Valley Borough Local Plan 2006.

12. All rainwater goods shall be metal with a powder coated finish of grey/anthracite unless otherwise agreed in writing by the Local planning Authority.

    Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Conservation Area in accordance with policies LS3 and EN27 of the Adopted Amber Valley Borough Local Plan 2006.

Notes
Attention is drawn to the attached notes:

1 In terms of the archaeology the County Archaeologist recommends a tiered approach as follows:

Date: 5 September 2024 Signed

Simon Gladwin
Chief Executive

-Areas of internal plaster and external render should be removed to better assess the construction date/style (timber framing with brick infill?) and gain an outline impression of the phasing of the building.
-Demolition of the building should be undertaken in a structured way so that it can be monitored by an archaeologist as an intra-demolition watching brief to record key details relating to building development and construction technique and phasing where necessary.
-Areas of below ground disturbance during development should also be subject to scalable archaeological monitoring, this including the footprint of the proposed build, the access driveway and the footprint of the garage as well as any additional groundworks such as utilities, drainage and services.

2 Demolition works should proceed with caution and vigilance for any unexpected bat presence.
As a precautionary measure, we advise employing a sensitive strip of the slate tiles, barge boards, facias/soffits and chimney. If any roosting bats are discovered, works should cease immediately, and a suitably qualified ecologist should be contacted for advice.

Prior to tree clearance, identified suitable trees shall be surveyed by a qualified ecologist to determine the suitability for roosting bats. If the feature(s) is deemed suitable for individual roosting bats (PRF-I), the tree should be soft felled, with sections cut and lowered to the ground under ecological supervision. If the feature(s) is deemed suitable for multiple roosting bats (PRFM), further survey works will be required.
The updated bat survey report states that 'if it is possible to retain the tree (but sections cut to make the tree safe using soft felling techniques) and left in place, which would be recommended'.

3 Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the LPA 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. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features. 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.

Date: 5 September 2024 Signed

Simon Gladwin
Chief Executive

4 The biodiversity enhancements shall be incorporate into the landscape plan which shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:
o universal nest boxes (avoiding southern elevations)
o integrated bat boxes (favouring southern elevations)
o insect bricks / towers.
o fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs.
o summary of ecologically beneficial landscaping (full details to be provided in Landscape Plans).
A statement of good practice including photographs should be submitted to the local planning authority prior to the discharge of this condition, demonstrating that the enhancements have been selected and installed in accordance with the above. A statement of good practice including photographs should be submitted to the local planning authority prior to the discharge of this condition, demonstrating that the enhancements have been selected and installed in accordance with the above.

5 No building demolition or any tree, scrub or hedgerow 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 chicks have fledged. No
works shall be undertaken within exclusion zones whilst nesting birds are present.
The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a
defence against prosecution under this act.
(Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a
competent ecologist to assess the nesting bird activity on site during this period and has shown it is certain that nesting birds are not present).

6 Due to the low risk of herptiles (including great crested newts) being present, a Method Statement for site clearance shall be produced and submitted to the LPA for approval. This shall include reasonable avoidance measures such as seasonal timings, strategic clearance of
vegetation and any potential refugia, and a watching brief. It shall also include instructions in the unlikely event that great crested newts are encountered. The

Date: 5 September 2024 Signed

Simon Gladwin
Chief Executive

approved Method Statement shall be implemented in full, and a short statement of compliance submitted to the LPA upon completion of clearance works.

7 The existing vehicle dropped crossing appears to be substandard and a 184 application to the Highway Authority should be applied for with works carried out to form a properly constructed vehicle dropped crossing.

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 - Place @ County Hall, Matlock regarding access works within the highway. Information, and 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-enforcements/vehicularaccess/vehicle-accesses-crossovers-and-dropped-kerbs.aspx
E-mail highways.hub@derbyshire.gov.uk or
Telephone Call Derbyshire on 01629 533190.

8 The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings 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 owner.

9 Road noise from the A32 may require additional acoustic measures put into place to ensure future occupiers do not suffer from potential traffic noise nuisance.

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:

LS1 - Sustainability criteria
LS3 - Design
EN1 - Countryside

Date: 5 September 2024 Signed

Simon Gladwin
Chief Executive

EN7 - Landscape Character Areas
EN8 - Landscape Features
EN13 - Nature Conservation
EN18 - Derelict, Unstable and Contaminated Land
EN24 - Listed Buildings
EN27 - Conservation Areas
EN30 - Scheduled Ancient Monuments
EN31 - Archaeological Interest
H5 - Housing development outside settlements
H12 - Design and amenity considerations
TP1 - Impact on the Transport Network
TP6 - Parking
EN35 - Renewable Energy

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.

Date: 5 September 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.