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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/2022/0013**) which was valid on the 10 January 2022 for permission for **Erection of 2 dwellings at Land Adjacent Waterworks House Main Road Lea**

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:

   Block Plan Drg no 1811-01-D
   Proposed Site Plan Drg no 1811-03-C
   Proposed Houses Drg no 1811-04-C
   Proposed Access and Landscape Drg no 1811-05-C
   Proposed Garage Drg no 1811-06-A

Date: 18 August 2025

Signed

Simon Gladwin
Chief Executive

received on 15th May 2025

Tree survey 2038-001A
Tree constraints plan 2038-002A
Tree protection plan 2038- 003B

received on 30th July 2025

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 plans, the development shall be carried out with the following materials unless otherwise agreed in writing by the Local Planning Authority

Walls- locally sourced natural stone, coursed, random lengths used at lower and ground floor level, with ashlar stone string course
Brick above (colour to match stone).
Chimney in same brick
Heads and sills in and details in stone
Roof covering- Plain clay tiles > Redland Rosemarys 'mixed brindle'
Solar Panels -inset within roof covering > Marley SolarTile integrated system (as per details submitted on 15th May 2025).
Windows- Flush fitting casements uPVC > Eurocell Modus in light grey finish (as per details submitted on 15th May 2025).
Doors- Eurocell composite material door, heritage green colour finish

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. No overground development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft landscaping to include additional planting to mitigate for lost trees (including a number of small trees within the site not included in the arboricultural report due to their size). This information should show the specification (size, species, ground preparation) and position for all new planting. All planting, seeding or turfing indicated on the approved landscaping scheme shall be carried out prior to the development being brought into use. 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

Date: 18 August 2025 Signed

S Gladwin

Simon Gladwin
Chief Executive

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 LS3 and EN7; of the Adopted Amber Valley Borough Local Plan 2006.

5. Throughout the construction phase space shall be provided within the site curtilage for storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives and visitors vehicles, laid out and constructed in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.

   Reason: In the interests of highway safety in accordance with Policy TP1 of the Adopted Amber Valley Borough Local Plan 2006 and Paragraph15(b) of the NPPF.

6. Before any other operations are commenced a new vehicular access shall be created to Main Road in accordance with approved drawing : Proposed Site Plan Drg no 1811-03-C and, laid out, constructed and provided with visibility splays of 2.4m x 47m to the west and 2.4m x 57m to the east, 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 near side carriageway channel level.

   Reason: In the interests of highway safety in accordance with Policy TP1 of the Adopted Amber Valley Borough Local Plan 2006 and Paragraph15(b) of the NPPF.

7. The dwellings, as approved, shall not be occupied until space has been provided within the application site in accordance with the hereby approved Proposed Site Plan Drg no 1811-03-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 in accordance with Policy TP1 of the Adopted Amber Valley Borough Local Plan 2006 and Paragraph15(b) of the NPPF.

8. The proposed access drive to Main Road shall be no steeper than 1:14 for the first 5m from the nearside highway boundary and 1:10 thereafter.

Date: 18 August 2025

Signed

S Gladwin

Simon Gladwin
Chief Executive

Reason: In the interests of highway safety in accordance with Policy TP1 of the Adopted Amber Valley Borough Local Plan 2006 and Paragraph15(b) of the NPPF.

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

   Reason: In the interests of highway safety in accordance with Policy TP1 of the Adopted Amber Valley Borough Local Plan 2006 and Paragraph15(b) of the NPPF.

10. No development shall take place (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall be produced by an ecologist and shall include the following:

    a) Risk assessment of potentially damaging construction activities.
    b) Identification of "biodiversity protection zones" including a 15m stand off to the watercourse and the edge of the ancient woodland.
    c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction on protected species and habitats including the adjacent stream.
    d) The location and timing of sensitive works to avoid harm to biodiversity features.
    e) The times during construction when specialist ecologists need to be present on site to oversee works.
    f) Responsible persons and lines of communication.
    g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
    h) Use of protective fences, exclusion barriers and warning signs.
    i) Protection of the hedgerows on the eastern and western perimeter of the site during the construction phase of the development.

    The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

    Reason: In the interests of biodiversity in accordance with Policy EN13 of the Adopted Amber Valley local Plan and Paragraphs 187 and 193 of the NPPF.

11. Prior to first occupation of the dwellings, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall indicate the locations and specifications of two or more of the following measures, which shall be implemented in full and maintained thereafter:

Date: 18 August 2025 Signed

S Gladwin

Simon Gladwin
Chief Executive

- 2x integral/external bat box
- 2x external woodcrete / woodstone bird box
- 2x integral universal nest brick
- 2x insect brick / house / tower
- Hedgehog gaps in fencing (130 mm x 130 mm)
- Native and wildlife-attracting planting i.e., trees, hedgerow, shrubs and / or herbaceous perennials to provides resources for pollinators, birds and other wildlife.

A statement of good practice including photographs shall 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.

Reason: In the interests of biodiversity and ecology in accordance with Policy EN13 of the Adopted Amber Valley local Plan 2006 and Paragraph 193 a) of the NPPF.

12. Prior to the installation of any external lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority to safeguard bats and other nocturnal wildlife.

    Reason: In the interests of biodiversity in accordance with Policy EN13 and EN15 of the Adopted Amber Valley local Plan and Paragraphs 187 and 193 of the NPPF.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any Order 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, Roof Alterations, Porches, 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.

14. The garage shall not be used for the storage of vehicles other than private motor vehicles, and no trade or business shall be carried out therefrom (i.e. to be used for domestic purposes only).

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

15. No above groundwork shall commence on site until full details including plans, of the proposed treatment of the boundary(ies) of the site have been submitted to and

Date: 18 August 2025 Signed S Gladwin

Simon Gladwin
Chief Executive

approved by the Local Planning Authority. All agreed boundary treatments shall be in situ 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.

Notes
Attention is drawn to the attached notes:

1 1. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Street works Act 1991 prior notification shall be given to the Department - Place at 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/licencesenforcements/vehicular-access/vehicle-accesses-crossovers-and-dropped-kerbs.aspx
E-mail highways.hub@derbyshire.gov.uk or
Telephone Call Derbyshire on 01629 533190.

2 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 householder.

3 Pursuant to Section 163 of the Highways 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.

4 Pursuant to Sections 149 and 151 of the Highways 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.

Date: 18 August 2025 Signed

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Chief Executive

5 The lighting strategy 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 light spill 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.

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:

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In detail:

The National Planning Policy Framework (NPPF) is a material consideration in planning decisions. In accordance with Paragraph 39 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: 18 August 2025 Signed S Gladwin

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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.