**S Gladwin**
**Chief Executive**
**Development Management**

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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/2024/0589**) which was valid on the 30 August 2024 for permission for **Proposed construction of a new two bedroom, detached dwelling (self-build) at 34 Woodlands Lane Quarndon Derby.**

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 shall be carried out in accordance with the details contained in the submitted plans and documents listed below:

   Location Plan (drawing number 127 2024 003) received on 30th August 2024
   Amended Floor Plans as Proposed (drawing number 127 2024 001 Rev J) received on 11th November 2024
   Amended Elevations as Proposed (drawing number 127 2024 002 Rev J) received on 11th November 2024

Date : 5 December 2024

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Amended Site Layout as Proposed (drawing number 127 2024 004 Rev C) received on 11th November 2024

**Reason**: In order to define the permission.

3. The hereby approved dwelling permitted shall be constructed as a self-build dwelling within the definition of a self-build and custom build housing in the 2015 Act:

   i) The first occupation of the dwelling hereby permitted shall be by a person or persons who had a primary input into the design and layout of the unit and who intends to live in the unit for at least 3 years.

   ii) The Council shall be notified of the persons who intend to take up first occupation of the dwelling hereby permitted at least 2 months prior to first occupation.

   **Reason**: To ensure the development complies with the self-build and custom house build definition in accordance with National Policy

4. All site preparation, demolition and construction activities shall comply with the following:

   a) Operating hours:
   No works, or deliveries to and from the site, shall occur other than between 08:00 and 18:00 hours on weekdays and between 08:00 and 13:00 hours on Saturdays. No works shall take place on Sundays or bank holidays. Any essential extension to these hours, other than for emergency works, shall be agreed with the Local Planning Authority before work commences. Activities that do not create noise and disturbance to residents may still take place outside these hours,

   b) Noise and vibration:
   All activities shall comply with British Standard BS 5228 'Code of practice for noise and vibration control on construction and open sites',

   c) Dust/Particulate emissions:
   No visible dust/particulate matter shall be emitted beyond the site boundary. At such times as the prevention of nuisance is not possible, dust/particulate generating activities shall temporarily cease until such time as dust suppression measures become effective,

   d) Waste:
   No unwanted materials shall be disposed of on site by burning,

Date : 5 December 2024

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e) Lighting:
Any temporary site lighting shall be positioned on site to minimise light trespass and glare.

**Reason**: In the interests of residential amenity and to comply with Policies EN16 of the Amber Valley Local Plan 2006 and Paragraph 135 of the NPPF.

5. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that Order) no development relating to Class A, B, C, D or E of Part 1 of Schedule 2 (erection of extensions; alterations to the roof; buildings incidental to the enjoyment of the dwelling house; the insertion, enlargement, improvement or replacement of windows or doors; erection or construction of a porch) 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 policy LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

6. Prior to the commencement of development, full details of finished floor levels and the relationship of such to the existing dwellings shall be submitted to and approved by the Local Planning Authority, and the development shall be constructed in accordance with the agreed levels.

   **Reason**: To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with policies LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

7. No work shall commence above slab level until full details of the proposed treatment of the boundaries of the site has been submitted to and approved by the Local Planning Authority. Any agreed scheme shall be implemented in full in accordance with a phasing 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 policies LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

8. The hereby approved shower room window to the south elevation shall be glazed in highly obscured (non-see through) glass and be top-opening with no opening part below 1.7 m. Such work shall be completed prior to the commencement of use of the development and maintained as such thereafter.

Date : 5 December 2024 Signed

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**Reason**: To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with policies H12 and LS3 of the Adopted Amber Valley Borough Local Plan 2006.

9. The hereby approved dwelling shall be constructed using the following materials:

-Render- Dulux Chalky Downs (5)
- The windows - Smart Aluminium windows - Colour RAL 9007 - soft grey
- Cladding - Narrow Board Vertical Cladding in Soft Grey - NeoTimber Grey or AKUWOODPANEL Stone Grey
- Rooftiles - Staffordshire Blue Plain Clay Tiles

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

10. The development hereby approved shall not be occupied until the access and parking facilities have been provided as shown on Amended Site Layout as Proposed (drawing number 127 2024 004 Rev C) received on 11th November 2024.

**Reason**: To ensure conformity with submitted details and in accordance with saved policies TP1 and TP6 of the Amber Valley Borough Local Plan 2006.

11. Prior to development taking place above slab level, a scheme of landscaping including ground levels of external areas (including the garden and parking), shall be submitted to an agreed in writing by the Local Planning Authority. All planting, seeding or turfing indicated on the approved landscaping scheme 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 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 of the Adopted Amber Valley Borough Local Plan 2006.

12. The hereby approved Biodiversity Enhancement measures shown on proposed drawings 001 Rev J, 002 Rev J and 004 Rev J shall be implemented in full prior to occupation.

Date : 5 December 2024 Signed

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A statement of good practice including photographs shall be submitted to and agreed in writing with 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**: To ensure biodiversity enhancement measures are implemented in accordance with saved policy EN13 of the Adopted Amber Valley Borough Local Plan 2006.

**Notes**

**Attention is drawn to the attached notes:**

1 No 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.

2 "The applicant is strongly urged to help meet the Government's commitments to achieve net-zero carbon emissions by 2050, and to meeting the NPPF's environmental objective of mitigating and adapting to meet climate change, including moving to a low carbon economy. Therefore, the applicant is strongly urged to include on-site renewable energy generation (e.g. solar panels), the de-carbonising of heating systems (e.g. air-/ground-source heat pumps) and enhanced levels of insulation beyond those required by present building standards."

Advice in relation to sustainable energy measures and any need for planning permission can be found at

https://www.planningportal.co.uk/info/200125/do_you_need_permission

3 This application is exempt from providing the statutory net gain for biodiversity under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990 which was inserted the 1990 Act by Schedule 14 of the Environment Act 2021 and amended by the Levelling Up and Regeneration Act 2023, given that the proposed development is a 'self-build'. The deemed statutory conditions are therefore not applicable to this permission.

Date : 5 December 2024

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**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
H3 - Housing development within settlements
H12 - Design and amenity considerations
TP1 - Impact on the Transport Network
TP6 - Parking
EN8 - Landscape Features
EN13 - Nature Conservation
EN18 - Derelict, Unstable And Contaminated Land

**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, character and design, landscape or heritage features and highway safety.

Date : 5 December 2024

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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.**