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 policies of the Amber Valley Borough Local Plan 2022-2040, and with reference to your application (**Office Code: AVA/2026/0234**) which was valid on 17 April 2026 for permission for **Application in principle for the erection of two dwellings** at **7 Woodside, Morley, Ilkeston, Derbyshire DE7 6DG.**

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.**

Notes
Attention is drawn to the attached notes:

1. The applicant is advised that the permission is granted in accordance with the Town and Country Planning (Permission in Principle) (Amendment) Order 2017 which states that permissions in principle are granted a period of 3 years and a technical detail consent must be determined within the duration of the permission granted.

2. The applicant is advised to consider the details of comments from consultees as set out below to understand the requirements at the technical detailed consent stage of the application process.

   Derbyshire County Council Highways Authority

   Site Location – Site Access

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The indicative block plan (ref: 1833-101-P1) shows the access to 7 Woodside being moved to the west, with a new access formed to serve the proposed development.

A single shared driveway access should be provided to serve the existing and proposed dwellings, formed by a footway/verge crossing to Local Highway Authority (LHA) specification.

The shared driveway should have a minimum width of 4.8m for the first 8m measured from the highway boundary on Woodside (0.5m margins added if the driveway is physically bound).

The driveway should be surfaced in a bound material for a minimum length of 5m within the site measured from the highway boundary, to reduce the possibility of deleterious material being deposited in the highway.

Provision is required to prevent the unregulated discharge of surface water to the public highway.

Where a new or improved driveway emerges onto a footway, 2m x 2m pedestrian visibility splays shall be provided on both sides of the access at the back of the footway, in accordance with paragraph 4.8.1 of the LHA's Planning, Streets, and Places (PSP) guidance.

Such splays shall be maintained clear of any object greater than 0.6m in height relative to adjacent footway level. Revised site access details are required to address the above issues.

Site Location – Access Visibility

Woodside is a classified road, subject to a 40mph speed limit adjacent the site.

The applicant has not submitted sufficient information to allow the LHA to determine whether the application would not give rise to an unacceptable impact on highway safety, as required in the context of National Planning Policy Framework (NPPF) paragraph 116.

Achievable visibility splays at the access point have not been demonstrated, nor has any evidence been submitted to support a reduction in splay lengths. Traffic speed surveys should therefore be undertaken to determine the 85th percentile traffic speeds on the Woodside approaches to the site access. The major road visibility splay requirements can then be determined, having regard to the gradients on the Woodside approaches to the site access.
The applicant should then submit a site access plan to demonstrate that the required site access visibility splays, based on the recorded 85th percentile speeds and gradients, can be achieved. The entire lengths of the splays should be shown in both directions, within

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controlled land or over the highway, with the plan detailing any boundary treatment works required to achieve such splays. The required major road visibility splay distances should be projected from a minor road visibility setback distance of 2.4m measured along the centreline of the access from the nearside edge of the carriageway. The major road visibility splay distances should be measured in both directions along the nearside carriageway edge.

Given the vertical alignment of Woodside to the east of the site, it will be necessary for the applicant to demonstrate that the necessary visibility splays can be achieved in both the horizontal and vertical planes. The driver's line of vision in the vertical plane should be from an eye height of between 1.05m and 2.0m. A clear view of an obstacle must be available at a height of 0.26m to 2.0m.

Visibility splays should therefore be shown on a topographical survey base, with a long section also provided to demonstrate that the splays can satisfy the above requirements in the vertical plane. The visibility envelope, the area between the major road visibility splay line and the nearside carriageway edge must be owned or controlled by the applicant or fall within the limits of the public highway. Only once the above information has been provided, can the LHA determine whether the proposed development will be acceptable, or otherwise, in highway safety terms.

Internally

No details are provided in relation to the numbers of bedrooms within the proposed dwellings, so it is not therefore possible to confirm the car and cycle parking requirements at this stage. Car and cycle parking provision should therefore comply with the LHA's Parking Guidance for New Developments (PGND).

Sufficient parking and turning provision should also be demonstrated in connection with the existing dwelling, 7 Woodside. In view of the length of the proposed driveway, provision to enable large vehicles (i.e. 3.5 tonne delivery vehicles and fire tender) to manoeuvre within the site, to be able to enter, turn within, and leave the site in forward gear should be demonstrated.

Proposed gates must be set back a minimum of 5m from the nearside carriageway edge, opening inwards, in accordance with PSP section 5.8.

Within the site, the access arrangements should comply with the design requirements set out in PSP section 5.8.
Given the proposed scale of development, there would be no requirement for provision of a segregated footway within the site, since pedestrians are expected to share access with vehicles in such circumstances. Bin collection/storage facilities should be provided.

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Coal Authority

The applicant is advised that the site is within a high risk are for coal mining and therefore a Coal Mining Risk Assessment should be submitted at the technical details stage.

Derbyshire Wildlife Trust

No comments have been received; however, the applicant is advised that the following information should be submitted with a Technical Detail Consent application:

- An Ecological Impact Assessment (EcIA) - this should include a data consultation with Derbyshire Biological Records Centre and any other relevant groups. The National Biodiversity Network1 1 Note and Defra's website (https://magic.defra.gov.uk/) should be reviewed for any relevant information and consultation undertaken with Natural England if statutory designated sites could be impacted by proposals. The EcIA should provide the results of all necessary ecological surveys to determine the habitats present (UKHabs and condition assessment required) and the presence / absence of protected species. A full impact assessment and mitigation details should be provided.
- Pre- and post-development habitat plans.
- A fully completed metric, not just baseline data.
- An outline of proposals to achieve the +10% gain. This could be in the form of a draft Gain Plan, as per government guidance. It should be determined whether 10% gains can be delivered onsite or if offsite units will be required? If offsite units are required, an approach should be outlined to address this. The finalised Gain Plan will be required post-development, but a draft will provide the LPA reasonable confidence that the 10 % gain is achievable and the condition is able to be discharged. It should also state how the BNG hierarchy has been applied in the scheme design.
- The final Gain Plan and a Habitat Management and Monitoring Plan (if appropriate) would be secured via condition, along with a CEMP: Biodiversity, Lighting Plan and any other reasonable requirements based on the results of the ecology assessment (such as protected species licencing).

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 policies of the Amber Valley Borough Local Plan 2022-2040:

SS8 – Green Belt

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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.