S Gladwin
Chief Executive
Development Management

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Dr Mark Page
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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/2026/0170**) which was valid on the 23 March 2026 for permission for **Conversion of Retail Premises to 11 Bedroom, 12 person HMO (Sui Generis) at 14 New Street Somercotes Alfreton.**

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 site location plan received 15.03.2026 and the amended drawings received on 13.04.2026.

   Reason: To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application in accordance with policy EN15 of the Adopted Amber Valley Borough Local Plan 2026.

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3. The occupancy of the development hereby permitted shall be limited to no more than 12 persons, comprising no more than 1 person in each single occupancy bedroom and no more than 2 persons in the double occupancy bedroom.

   Reason: To define the permission and ensure the trip demands reflect the submitted details.

4. Windows on the New Street elevation of the building shall open inwards or be of sliding design. Such features shall be maintained for the life of the development.

   Reason: To prevent obstruction over the highway in the interest of highway and pedestrian safety.

5. The development hereby permitted shall not commence until a scheme of access and highway improvement works has first been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the development hereby permitted being first occupied.

   Reason: In the interest of highway and pedestrian safety.

6. The land between the eastern face of the dwelling at 142 Somercotes Hill and the highway boundary on the B600 Somercotes Hill shall be maintained clear of obstructions above a height of 0.65m above adjacent footway level for the life of the development.

   Reason: To maintain visibility to the south of New Street along the B600 Somercotes Hill in the interest of highway and pedestrian safety.

7. No part of the development hereby permitted shall be brought into use until the car parking area is surfaced in a bound material with three car parking spaces demarcated in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved details shall be maintained for the life of the development.

   Reason: In the interest of highway safety.

8. No part of the development hereby permitted shall be brought into use until provision has been made within the application site for secure, covered cycle parking, secure cycle equipment storage, electric vehicle charging, and bin storage facilities in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall not thereafter be used for any other purpose and shall be maintained for the life of the development.

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Reason: In the interest of highway safety and furthering travel by sustainable modes.

9. No part of the development hereby permitted shall be brought into use until the parking area is constructed with provision to prevent the unregulated discharge of surface water to the public highway in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

   Reason: To ensure that surface water from the site is not deposited on the public highway causing danger to road users.

10. Prior to commencement of the development hereby permitted, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include, but not be restricted to providing, details of:
    a) Demand, provision, and location of construction site operative and visitor car parking;
    b) Provision and location of on-site accommodation for construction staff;
    c) Measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties, including traffic and pedestrian movement along New Street;
    d) Delivery schedules and working times, with delivery and construction staff movements timed to avoid highway peak periods;
    e) Proposals for restrictions to the size of large plant, construction, and delivery vehicles (supported by swept path analyses);
    f) Details of temporary traffic management arrangements to accommodate construction work along New Street;
    g) Locations for loading/unloading, storage, and removal of plant, waste, and construction materials;
    h) Methods of preventing mud and dust being carried onto the highway, including provision of wheel wash and road sweeping facilities;
    i) Arrangements for turning vehicles;
    j) Site hoardings, fencing, and gates;
    k) Specific methods for positively communicating the Plan to staff, visitors, and neighbouring residents and businesses.
    The construction works shall be implemented in accordance with the approved Plan which shall be maintained throughout the works period.

    Reason: In the interest of the safe operation of the highway and the protection of amenity during the construction works.

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Notes

Attention is drawn to the attached notes:

1 Planning permission does not convey consent to work on or adjacent to the public highway.

2 Prior to any works commencing on site, including demolition works, the developer must obtain the highway authority's consent.

3 The development makes it necessary to carry out work on the adopted highway which shall be constructed to the satisfaction of the highway authority at the developer's expense.

4 Before undertaking work on the adopted highway, the developer must enter into a highway agreement with the County Council, under Section 278 of the Highways Act 1980, which would specify the works and the terms and conditions under which they are to be carried out.

5 The highway agreement must be completed, the bond secured, and the highway authority's technical approval and inspection fees paid before any further details will be considered and approved.

6 Contact the highway authority's Development Implementation team at development.implementation@derbyshire.gov.uk allowing sufficient time for the preparation and signing of the agreement.

7 The developer will be required to pay fees to cover the Council's costs in undertaking the following actions: Drafting the agreement; Monitoring; Approving the highway details; Inspecting the highway works.

8 The development hereby permitted may impact on the operation of the highway network during construction. The developer should contact the highway authority's Network Management Team at www.derbyshire.gov.uk/transport-roads/roads traffic/roadworks/roadworks.aspx at least eight weeks prior to any activity on site to enable temporary traffic regulation orders to be prepared and/or a programme of temporary traffic management measures to be agreed.

9 It is expected that contractors will be registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particular reference is made to "respecting the community". Constructors should give utmost consideration to their impact on neighbours and the public by:

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- Informing, respecting and showing courtesy to those affected by the work;
- Minimising the impact of deliveries, parking and work on the public highway;
- Contributing to and supporting the local community and economy; and,
- Working to create a positive and enduring impression and promoting the Code.

10 The construction traffic management plan should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues

11 Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties.

This does not offer any relief to obligations under existing legislation.

12 The deposit of mud or other items, and/or the discharge of water, onto the public highway are offences under Sections 149 and 151, Highways Act 1980. The applicant, any contractors, and the owner/occupier of the land must therefore ensure that nothing is deposited on the highway, nor that any soil or refuse etc is washed onto the highway, from the site. Failure to prevent this may force the highway authority to take both practical and legal action (which may include prosecution) against the applicant/contractors/owner or occupier of the land.

13 The proposed development lies within an area that has been defined by the Mining Remediation Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Mining Remediation Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure a suitable engineering design which takes account of all relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Mining Remediation Authority Policy in relation to new development and mine entries available at:

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Building on or within the influencing distance of mine entries - GOV.UK
Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property
What is a permit and how to get one? - GOV.UK (www.gov.uk)

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.
If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required. Further information regarding Incidental Coal Agreements can be found here - https://www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Mining Remediation Authority on 0800 288 4242. Further information is available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK

14 In regard to condition 5 The scheme should include the following details:
a) Demarcation of the highway boundary along the frontage of the car parking area in concrete edging or similar.
b) Resurfacing of those lengths of the carriageway and northern footway on New Street along the application site frontage and between the application site and the western footway on B600 Somercotes Hill.
c) Resurfacing of, and provision of replacement dropped kerbs along, that length of footway on the western side of the B600 Somercotes Hill between the northern face of 142 Somercotes Hill and the northern back of footway on New Street.

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:

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SS3 - Settlement Hierarchy
H1 - Within Adjacent to Urban Areas and Key v
EN1 - Climate Change
SS1 - Presumption in favour of Sustainable
EN11 - Derelict, Unstable & Contaminated Land
EN8 - Biodiversity
IN1 - Transport
EN15 - Quality and Design of Development

In detail:

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.

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.

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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.