



Julian Townsend
Executive Director (Operations)
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 R Moore
105 Merlin Way
Mickleover
DE3 0UJ

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 the saved policies of the Adopted Amber Valley Borough Local Plan 2006, and with reference to your application (**Office Code: AVA/2018/1162**) which was valid on the 30 November 2018 for permission for **Outline application for residential development. All matters reserved except for access at Land To The Rear Of No. 1 Abells Denby Village**

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. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To prevent the accumulation of planning permissions: to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The approval of the Borough Council shall be obtained prior to the commencement of any development in respect of the appearance, landscaping, layout and scale of the buildings.

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Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

3. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated October 2013 prepared by Julia Williams and the following mitigation measures detailed within the FRA:

Finished floor levels are set no lower than 84.0m above Ordnance Datum (AOD) or 150mm above ground level, whichever is higher.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

4. This permission relates to the erection of 1 1/2 storey development only.

Reason: To define the terms of this permission and for the avoidance of any doubt and in the interests of the visual amenity and character of the locality in accordance with policy H12 of the Adopted Amber Valley Borough Local Plan 2006.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no development relating to Class A of Part 1 of Schedule 2 (erection of extensions) 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.

6. Prior to the commencement of development, site investigation works, in accordance with the recommendations of the Coal Mining Risk Assessment dated April 2015 by HM Chambers & Partners shall be undertaken. The findings of the site investigation including a scheme of any required remedial works shall be submitted to the Local Planning Authority and approved writing unless otherwise agreed. Any necessary remedial works shall be implemented in full.

Reason: To ensure the site is appropriately remediated against coal mining risk.

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7. Any reserved matters scheme submitted pursuant to this outline consent shall be accompanied by a comprehensive arboricultural impact assessment which is specific to the proposed layout. This shall follow the format of BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations' and include an Arboricultural Impact Assessment, tree protection plans and appropriate method statements (as per section 5 & 6 of BS5837:2012) if any works are proposed within tree root protection areas. These shall include clear details of:
- Trees clearly identified as either retained or removed (including trees on land adjacent to the site with canopies or RPAs which encroach onto the site).
 - Clear specifications for all proposed management works to retained trees.
 - A realistic assessment of the probable impacts between the trees and development (as per BS5837:2012 section 5.3.4).
 - Root protection areas (RPA) and construction exclusion zones.
 - Exclusion zone protective barriers (giving precise locations and specification).
 - The position of all new underground services in relation to RPAs.
 - Detailed specification and installation method statement for any proposed new structure, hardstanding, underground service or works access into RPAs.
 - Method statements for all other construction operations which impact on trees.
 - Positions and specification (following BS8545:2014 'Trees: from nursery to independence in the landscape - Recommendations' as appropriate) for all new tree planting.
 - Reinstatement and ground preparation for new tree planting and areas of soft landscaping.

Any agreed scheme shall be carried out in accordance with the impact assessment unless previously agreed in writing with the Local Planning Authority.

Reason: To ensure the retention and protection of trees.

8. The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking and manoeuvring of residents, service and delivery vehicles, located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.

Reason: In the interest of highway safety in accordance with saved policy TP1 of the Amber Valley Borough Local Plan 2006.

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9. Before any other operations are commenced a new vehicular and pedestrian access shall be formed to the private access road, located, designed, laid out, constructed and provided with 2m X 15m visibility splays in both directions, all agreed in writing with the Local Planning Authority. The Visibility splays shall be maintained free from obstruction above 0.6m for the life of the development.

Reason: In the interest of highway safety in accordance with saved policy TP1 of the Amber Valley Borough Local Plan 2006.

Notes

Attention is drawn to the attached notes:

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
LS2 - Community Safety
LS3 - Design
LS4 - Accessibility
H12 - Design and amenity considerations
TP1 - Impact on the Transport Network
EN18 - Derelict, Unstable And Contaminated Land
EN15 - Development and Flood Risk

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, sunlight/daylight, 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 38 of the NPPF the local planning authority has approached the decision making process in a positive way to foster the delivery of

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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. 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.
3. 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.
4. 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.
5. 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

6. 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.
7. 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.
8. 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".
9. 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.
10. 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.