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

Pesto
Unit 14
Irlam Wharf Road
Irlam
Manchester
M44 5PN

Mr Simon Bottomley
The JS Design Partnership
Unit 5 Peel House
2 Taunton Street
Bradford
BD18 3NA

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/2020/0730**) which was valid on the 18 August 2020 for permission for **Extension to property to extend trade area. Minor alterations to previously approved kitchen extension (render and roof). at Pesto At The Peacock Chesterfield Road Oakerthorpe**

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 information and drawings listed below:

   Application Form received on 18th August 2020
   Design and Access/ Heritage Statement received 18th August 2020

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Existing Plan (drawing number 7890-01 rev B) received 18th August 2020
Proposed Plan (drawing number 7890-02 Rev F) received 18th August 2020
Existing and Proposed Elevations (drawing number 7890-03 Rec C) received 18th August 2020

Reason: To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application in accordance with policy H12 of the Adopted Amber Valley Borough Local Plan 2006.

3. No development shall commence until intrusive site investigations have been carried out on site to establish the exact situation in respect of coal mining legacy features. The findings of the intrusive site investigations shall be submitted to the Local Planning Authority for consideration and approval in writing and any necessary remediation shall be implemented.

   Reason: This is a pre-commencement condition to ensure the site is appropriately remediated against coal mining risk as required by policy EN18 of the Amber Valley Borough Local Plan 2006.

4. No development shall commence until full details of the equipment to control the emission of fumes and smell and level of noise emissions from the premises are submitted and approved in writing with the Local Planning Authority. The equipment shall be installed, operated and maintained in accordance with the approved details and retained for so long as the use continues.

   Reason: In the interests of protecting the residential amenity of existing dwellings in accordance with saved policy EN16 of the adopted Amber Valley Borough Local Plan 2006

5. Following implementation and completion of the approved remediation scheme (required by the above condition) and prior to the kitchen being taken into use, a verification report shall be submitted to and approved in writing by the Local Planning Authority to confirm completion of the remediation scheme in accordance with approved details.

   Reason: This condition is to ensure the site is appropriately remediated against coal mining risk as required by policy EN18 of the Amber Valley Borough Local Plan 2006.

6. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details and/or samples of the materials and

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finishes to be used for the external elevations and roof of the proposal, and the development shall be carried out with those materials.

Reason: To ensure the satisfactory appearance of the completed development in accordance with policies LS3 and EN24 of the Adopted Amber Valley Borough Local Plan 2006.

7. Precise details of the finish and colour of the timber framed doors to be installed shall be agreed in writing with the Local Planning Authority before installation. The development shall then be carried out in accordance with the agreed details.

   Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Building in accordance with policies LS3 and EN24 of the Adopted Amber Valley Borough Local Plan 2006.

8. Precise details of the railings and external steps shall be agreed in writing with the Local Planning Authority before installation. The development shall then be carried out in accordance with the agreed details.

   Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Building/Conservation Area in accordance with policies LS3 and EN24 of the Adopted Amber Valley Borough Local Plan 2006.

9. Prior to the implementation of the bin/delivery area being constructed a sample of the proposed timber fencing and gates to bin store/delivery yard shall be submitted to and agreed the Local Planning Authority prior to the commencement of development. The details shall include noise mitigation. The fencing shall be completed prior to commencement of use of the development and maintained as such in perpetuity.

   Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Building in accordance with policies LS3 and EN24 of the Adopted Amber Valley Borough Local Plan 2006 and In the interests of protecting the residential amenity of existing dwellings in accordance with saved policy EN16 of the adopted Amber Valley Borough Local Plan 2006.

10. Before construction work commences, a scheme shall be submitted to, and approved in writing by, the Local Planning Authority detailing the proposals for any associated external lighting. All works shall be fully implemented in accordance with the approved scheme before use commences.

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Reason: In the interests of protecting the residential amenity of existing dwellings in accordance with saved policy EN16 of the adopted Amber Valley Borough Local Plan 2006.

Notes
Attention is drawn to the attached notes:

1 In relation to condition 3, the intrusive site investigations shall be carried out in accordance with authoritative UK guidance

2 In relation to condition 6, details should include render, slate, stone copings and quoins

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
TP6 - Parking
ER11 - Quality and design of development
EN16 - Pollution
EN18 - Derelict, Unstable And Contaminated Land
EN24 - Listed Buildings

In detail:

The development complies with the provisions of the development plan for the locality and raises no unresolved issues in relation to privacy, amenity, sunlight/daylight, character and design, landscape or heritage features and highway safety.

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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.

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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.**

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