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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/2020/0904**) which was valid on the 5 October 2020 for permission for **Ground floor rear extension to provide toilets and bar servery, conversion of ground floor outbuildings to store, kitchen and prep area and first floor extension to provide 2 bedroom flat at Andaz 22 Town Street Duffield**

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 facing and roofing materials to be used in the development hereby permitted shall match as closely as possible those used in the construction of the existing building.

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**Reason:** To ensure the satisfactory appearance of the completed development in accordance with saved policies LS3, H12 and ER11 of the Adopted Amber Valley Borough Local Plan 2006.

3. Notwithstanding the hereby approved plans, full details of the wall head junction between the wall and the flat roof of the two storey extension shall be submitted to and agreed in writing with the Local Planning Authority. The works shall 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 Conservation Area in accordance with saved policies LS3 and EN27 of the Adopted Amber Valley Borough Local Plan 2006.

4. Before the development hereby permitted commences, a scheme shall be submitted to, and approved in writing by, the Local Planning Authority specifying the provisions to be made for controlling the transfer of internally generated noise on the application site through any walls, ceilings, floors shared with residential accommodation outside the application site. The development shall be carried out in accordance with the approved scheme.

   **Reason:** To protect residential amenity in accordance with saved policies EN16 and ER11 of the Adopted Amber Valley Borough Local Plan 2006.

5. Before the use hereby permitted first being brought into use, a scheme shall be submitted to, and approved in writing by, the Local Planning Authority specifying any arrangement for providing electrically amplified sound for the benefit of customers. The approved scheme shall be implemented and maintained for the life of the development.

   **Reason:** To protect residential amenity in accordance with saved policies EN16 and ER11 of the Adopted Amber Valley Borough Local Plan 2006.

6. Before the use hereby permitted is first brought into use, equipment to control the emission of fumes and smell from the premises, including the associated level and character of noise emissions, shall be installed in accordance with a scheme to be submitted to, and approved in writing by, the Local Planning Authority prior to installation. All equipment installed as part of the approved scheme shall thereafter be operated and maintained in accordance with that approval and the manufacturer's instructions, and retained for so long as the use continues.

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**Reason:** To protect residential amenity in accordance with saved policies EN16 and ER11 of the Adopted Amber Valley Borough Local Plan 2006.

7. Before any air conditioning units, condensers, chillers, generators, compactors or similar plant or machinery capable of generating noise outside the building is installed on the premises, detailed information regarding acoustic performance, operating hours and location shall be submitted to, and approved in writing by, the Local Planning Authority. If required by the Local Planning Authority following installation, an assessment of noise emissions in-situ shall be submitted to, and approved in writing by, the Local Planning Authority to confirm that the emissions agreed prior to installation have been achieved. If required by the Local Planning Authority, such plant shall be enclosed with sound-insulating material and/or mounted in a way which will minimise the emission or transmission of sound in accordance with a scheme to be approved in writing by the Local Planning Authority.

   **Reason:** To protect residential amenity in accordance with saved policies EN16 and ER11 of the Amber Valley Borough Local Plan 2006.

8. An appropriate grease trap/filtration system shall be installed in the drainage system to remove fats, oils, grease and solid matter from the waste water before it leaves the premises. Full details shall be submitted to, and approved in writing by, the Local Planning Authority and the approved scheme implemented before the use begins. The system shall be maintained to the standard of the approved specification and in full working order in perpetuity.

   **Reason:** To protect residential amenity in accordance with saved policies EN16 and ER11 of the Amber Valley Borough Local Plan 2006.

9. The development hereby permitted shall be carried out only in accordance with the details and specifications shown on the information and drawing listed below:

   - Location Plan as Proposed drawing no. SK 51/81 02;
   - Block Plan as Proposed drawing no. SK 51/81 02;
   - Plans and Elevations as proposed drawing no. SK 51/81 01 Rev Dv2;
   - Design Access & Heritage Statement; and,
   - Flood Risk Assessment.

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**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.

10. The first floor side (north facing) window serving the dining room to flat 2 shall be glazed in highly obscured (non see through) glass and the parts of the window which can be opened shall be more than 1.7 metres above the floor of the room in which the window is installed, as annotated on drawing no. SK 51/81 01 Rev Dv2. Such work shall be completed prior to the commencement of use of the development and maintained as such thereafter.

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

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

**Reasons for 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 relevant Neighbourhood Plans, and saved policies of the Adopted Amber Valley Borough Local Plan 2006;

LS1 - Sustainability criteria
LS3 - Design
TC6 - Local shopping facilities
TC8 - Food and Drink
EN15 - Development and Flood Risk
EN16 - Pollution
EN27 - Conservation Areas
EN29 - Derwent Valley Mills World Heritage Site
TP1 - Impact on the Transport Network
TP6 - Parking

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**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 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 twelve weeks 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.**