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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/2021/0139**) which was valid on the 10 February 2021 for permission for **Variation of condition 2 (approved plans and materials) of AVA/2018/0055 for the conversion of stable block to dwelling at Land Adjacent To 23 Denby Common 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. The hereby approved development shall be begun before the expiration of three years from the date of planning permission AVA/2018/0055 (31st May 2021).

   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 listed below:

   Application Form received on 10th February 2021

Date : 7 April 2021

Signed

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Proposed Elevations, Ground Floor Plan, Sections aa bb Specification (drawing number RS/CF/08/01/20/01) received on 19th February 2021
Email from Agent received on the 29th March 2021

Reason: To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application in accordance with policy LS3 of the Adopted Amber Valley Borough Local Plan 2006.

3. Prior to any works commencing site investigation works shall be undertaken to establish the exact situation regarding coal mining legacy issues on the site. The following shall be carried out in a scheme to be approved in writing by the Local Planning Authority:

   - The undertaking of an appropriate scheme of intrusive site investigations;
   - The submission of a report of findings arising from the intrusive site investigations;
   - The submission of a scheme of remedial works for approval; and
   - Implementation of those remedial works.

   Reason: This is a prior to commencement of works condition to ensure that effective remedial or mitigating measures are taken to treat, control or contain unstable land in accordance with policy EN18 of the Adopted Amber Valley Borough Local Plan 2006.

4. Before any other operations are commenced, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

   Reason: In the interests of road safety in accordance with policy TP1of the Adopted Amber Valley Borough Local Plan 2006.

5. The premises the subject of the application shall not be occupied until the existing vehicular access to Denby Common has been modified in accordance with a scheme submitted to and approved by the Local Planning Authority, demonstrating 2.75m minimum wide (increased by 0.5m/1.0m if bounded by hedge, wall etc on one/two sides) and provided with 2.4m x 43m visibility splays, the area in advance of the sightlines maintained free from any obstruction exceeding 1m (600mm if vegetation) in height relative to the adjacent nearside channel level, and 2no 2m x 2m pedestrian

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intervisibility splays, the area in advance maintained clear of any obstructions exceeding 600mm in height. In addition any gates shall be 5m from the highway and shall be hung so as to open inwards only.

Reason: In the interests of road safety in accordance with policy TP1of the Adopted Amber Valley Borough Local Plan 2006.

6. The proposed dwelling shall not be occupied until off street parking has been provided, in accordance with a scheme submitted and approved by the Local Planning Authority, and maintained throughout the life of the development free from any impediment to their designated use.

   Reason: In the interests of road safety in accordance with policy TP1of the Adopted Amber Valley Borough Local Plan 2006.

7. Bird nest boxes shall be incorporated within the new dwellings in accordance with a scheme submitted to and approved in writing by the Local Planning Authority which shall be implemented before the first occupancy of the dwellings.

   Reason: To incorporate biodiversity benefits in and around development, in accordance with saved policy EN13.

8. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that Order) no development relating to Class A, B, C, D or E of Part 1 of Schedule 2 (erection of extensions; alterations to the roof; buildings incidental to the enjoyment of the dwelling house; the insertion, enlargement, improvement or replacement of windows or doors; erection or construction of a porch) or the provision of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that Order) no development relating to Class A of Part 2 of Schedule 2 (erection of walls, fences, enclosures) 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 policy LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

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Notes

Attention is drawn to the attached notes:

1 Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy, Transport & Communities at County Hall, Matlock regarding any access modification works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp,
email Highways.hub@derbyshire.gov.uk
Telephone Call Derbyshire on 01629 533190.

2 Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

3 The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.

4 Building work should be scheduled to avoid the bird breeding season which extends from March to late August inclusive. If this is not possible a bird's nest check must be carried out by an experienced ecologist immediately prior to commencement of any works. If nests are discovered they shall be protected from disturbance until all young have fledged.

5 Denby Footpath 46 to the south of the site shall remain unobstructed at all times

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

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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:

H12 - Design and amenity considerations
LS3 - Design
LS4 - Accessibility
H6 - Countryside Conversion
TP1 - Impact on the Transport Network
TP6 - Parking
EN2 - Green Belt
EN18 - Derelict, Unstable And Contaminated Land

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 186 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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