Julian Townsend
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Mr Rowland Peter Spencer
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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/2021/0031**) which was valid on the 22 January 2021 for permission for **Proposed 'Changing Place' with sensory room, reception and storage for the purposes of assistance toileting, washing and changing at Derbyshire Outdoors Beighton Hill Ashleyhay**

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 shall be carried out in accordance with the details contained in the submitted plans listed below and with the conditions attached to this consent:

   Site Location Plan and Block Plan, Floor Plans and Elevations received 22nd January 2021

Date : 10 June 2021

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Reason: In order to define the permission.

3. The use hereby permitted shall be carried on only by Mr Rowland Peter Spencer.

   Reason: To enable the Local Planning Authority to control the level of activities associated with the proposed development in accordance with policies EN1, EN6 and EN8 of the Adopted Amber Valley Borough Local Plan 2006.

4. Operations or uses authorised under this permission shall be carried out within the application site only between the following times:-
   0900 and 1600 Monday to Friday.

   Reason: To protect the amenity of the residents of adjacent properties in accordance with policy EN16 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 and B of Part 4 (temporary buildings, structures and uses of land for not more than 28 days in each calendar year) of Schedule 2 shall be undertaken without the prior written approval of the Local Planning Authority.

   Reason: In the interests of residential amenity in accordance with policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

6. 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 5 (use of land as a caravan site) of Schedule 2 shall be undertaken without the prior written approval of the Local Planning Authority.

   Reason: In the interests of residential amenity in accordance with policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

7. There shall be no more than six students at any one time undertaking the forest activities.

   Reason: To control the scale of activities within the site, in the interests of residential amenity and highway safety, as required by policies EN16 and TP1 of the Amber Valley Borough Local Plan 2006.

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8. No external lighting shall be erected/installed on site unless fully in accordance with a scheme to have been first submitted to and approved in writing by the Local Planning Authority.

   Reason: To protect the character and appearance of the area and in the interests of residential amenity, as required by policies, EN1, EN6, EN8 and EN16 of the Amber Valley Borough Local Plan 2006.

9. The site access shall be provided with 2.4m x 35m visibility splays in both directions, the area in advance of the sightlines being maintained throughout the life of the development clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway level.

   Reason: To ensure acceptable visibility is maintained at the vehicular access, in the interests of highway safety as required by policy TP1 of the Amber Valley Borough Local Plan 2006.

10. No amplified sound shall be played from the application site at any time.

    Reason: In the interests of protecting residential amenity, in accordance with Policy EN16 of the Amber Valley Borough Council 2016.

11. The hereby approved parking spaces as shown on the submitted visibility and parking plan received 3rd January 2018 shall be made available for the parking of seven vehicles and be maintained throughout the life of the development free from any impediment to its designated use.

    Reason: To ensure satisfactory off-street car parking is maintained to the site, in the interests of highway safety as required by policy TP6 of the Amber Valley Borough Local Plan 2006

12. Notwithstanding any provisions contained within the Town and Country Planning (Use Classes) Order 2015 (or any Order revoking and re-enacting that Order) this permission shall relate to the use of the approved building only for the purposes defined in the application as an ancillary facility to the approved forest school use of the site, and for no other purpose.

    Reason: To enable the Local Planning Authority to maintain a satisfactory control of the activities involved in accordance with policies LS3, EN1, EN6 of the Adopted Amber Valley Borough Local Plan 2006.

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13. The hereby approved building shall be clad in larch waney edge boarding and larch shake split tiles to match the existing composting toilet, unless an alternative specification of external materials are first submitted to and approved in writing by the Local Planning Authority.

    Reason: To ensure the design and character of the building is sympathetic to the Special Landscape Area and rural setting of the site, in accordance with policies LS3 and EN6 of the Adopted Amber Valley Borough Local Plan 2006.

Notes
Attention is drawn to the attached notes:

1 The Environment Agency advises as follows:

Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, in addition to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form the Environment Agency will carry out an assessment. It can take up to 4 months before the Environment Agency are in a position to decide whether to grant a permit or not.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply. Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

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Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.

Further advice is available at: https://www.gov.uk/permits-you-need-for-septictanks/you-have-a-septic-tank-or-small-sewage-treatment-plant In accordance with the Planning Practice Guidance (Reference ID: 7-043-20140306), please notify us by email within 2 weeks of a decision being made or application withdrawn. Please provide us with a URL of the decision notice, or an electronic copy of the decision notice or outcome.

2 The Borough Council's Principal Pollution Officer advises as follows:

Sections 14 and 15 of the application form state that the plans do not incorporate plans to store/collect waste (other than recycling bins) and that no trade effluents or trade waste will be disposed of; however, solid wastes would be considered trade waste and liquid (washing) waste could be considered trade effluent.

Advice on any necessary separate consent should be sought from Severn Trent Water:

https://www.stwater.co.uk/businesses/trade-effluent/trade-effluent-consent/.

3 As a consultation response has not been secured from Severn Trent Water Ltd, the applicant is strongly advised to contact Severn Trent Water Ltd to discuss any requirements prior to the commencement of development. The applicant is reminded of advice provided with the previous planning approval AVA/2017/0830, which was as follows:

Severn Trent Water advise that although their statutory sewer records do not show any public sewers within the area specified, there may be sewers that have been recently adopted under the Transfer of Sewer Regulations 2011. Public sewers have statutory protection any may not be built close to, directly over or be diverted without consent. The applicant is advised to contact Severn Trent Water to discuss the proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the building.

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Severn Trent Water also advise that since landscaping works are proposed within the vicinity of Severn Trent Water's clean water apparatus, the applicant/developer will be required to contact Severn Trent Water's Development Services team to discuss the proposed plans.

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
LS3 - Design
TP1 - Impact on the Transport Network
TP6 - Parking
EN1 - Countryside
EN6 - Special Landscape Area
EN7 - Landscape Character Areas
EN8 - Landscape Features
LC13 - Community Facilities
IAP1 - Landscape Policy
IAPE1 - Environment Policy 1
IAPE2 - Environment Policy 2
IAPRE2 - Renewable Energy Policy 2

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 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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