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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/2020/1229**) which was valid on the 20 January 2021 for permission for **Erection of residential care unit use class C2 at Land Adjacent To Jovial Dutchman Jeffries Lane Crich**

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:

   Amended Layout Plan, Elevations and Floor Plans - drawing number 1969 010 RevA
   Site Location Plan - drawing number 1969 011

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Reason : In order to define the permission.

3. The premises, the subject of the application shall not be taken into use until the proposed parking has been provided in accordance with the application drawing and maintained thereafter free from any impediment to its designated use.

   Reason: To ensure sufficient off-street parking is provided in accordance with Policy TP6 of the Adopted Amber Valley Borough Local Plan 2006.

4. The WPL 25AS invertor air water heat pumps as shown on the submitted specification and on drawing number 1969 010a shall be installed and made available for use prior to the first occupation of the hereby approved care facility. Once installed the heat pumps shall be maintained in perpetuity for the life of the development.

   Reason: In the interests of residential amenity, as required by Policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

5. The hereby approved principle elevation of the hereby approved care facility shall be clad in natural stone, precise details of which shall be first submitted to and approved in writing by the Local Planning Authority.

   Reason: To ensure the satisfactory appearance of the development as required by Policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

6. The external materials for the side and rear elevations and the roof of the hereby approved care facility shall be installed fully in accordance with precise details to be first submitted to and approved in writing by the Local Planning Authority.

   Reason: To ensure the satisfactory appearance of the development as required by Policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

7. Prior to first occupation of the hereby approved care facility, full details of the proposed treatment of the boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. Any agreed scheme shall be implemented in full in accordance with a phasing scheme prior to the first occupation of the development.

   Reason : To ensure both the satisfactory appearance of the completed development and an adequate level of amenity for the proposed dwellings in accordance with policy H12 of the Adopted Amber Valley Borough Local Plan 2006.

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8. Prior to first occupation of the hereby approved care facility, a landscaping scheme shall be submitted to and approved by the Local Planning Authority. Any trees or plants shall be planted in accordance with the agreed landscaping scheme in the first planting season and any trees/plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

   Reason : To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings in accordance with policy H12 of the Adopted Amber Valley Borough Local Plan 2006.

9. The bathroom and en-suite bathroom windows shall be glazed in highly obscured (non see through) glass and be non-opening. Such work shall be completed prior to the commencement of use of the development and maintained as such thereafter.

   Reason : To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with policies H12 and LS3 of the Adopted Amber Valley Borough Local Plan 2006.

10. The hereby approved residential care facility shall be for a maximum of six adults to be cared for at any one time.

    Reason: To control the scale of care operation provided in the interests of residential amenity of future occupiers of the facility and neighbouring occupiers, in accordance with Policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

11. Precise details of all new windows/doors to be installed shall be agreed in writing with the Local Planning Authority before installation.

    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 EN27 of the Adopted Amber Valley Borough Local Plan 2006.

Notes
Attention is drawn to the attached notes:

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1 The site lies within the lead mineralisation zone; an area with naturally high background levels of lead in soil. Precautions can be taken by existing occupants in these areas to reduce exposure to lead:

- Soil should be thoroughly shaken off clothes and footwear so that contaminated soil is not taken inside the home
- Avoid growing food in the garden unless in raised beds or containers with 'clean' soil or compost
- Minimise bare soil in the garden
- Prevent children from playing with soil or from putting it in their mouth
- Lay down a covering surface under swings and other outdoor play equipment
- Regularly wash children's hands and toys

2 The applicant/developer and any future occupiers are made aware that the Highway Authority may require future access to the rear retaining wall along the northern boundary of the site, to carry out potential maintenance. You are as such advised to contact the Structures Section of Derbyshire County Council to discuss this prior to commencement of development.

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
ER11 - Quality and design of development
EN16 - Pollution
EN18 - Derelict, Unstable And Contaminated Land
EN24 - Listed Buildings
EN27 - Conservation Areas

In detail:

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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.

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.

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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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