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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/2021/0577**) which was valid on the 19 May 2021 for permission for **Variation of condition 2 of AVA/2020/0472 to amend approved design drawings at Hurt Arms Hotel Derby Road Ambergate**

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 planning permission AVA/2020/0472 (2nd October 2023).

   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 amended drawings listed below:

   Proposed Site Layout (drawing number 102 Rev C) received on 26th August 2020
   Proposed Ground Floor Layout (drawing number 104 D) received on 26th August 2020
   Proposed Elevations (drawing number 010 Rev E) received 26th August 2020

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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.

3. The premises the subject of the application shall not be taken into use until the southern vehicular access to Derby Road (A6) has been permanently closed and the footway/kerb fully reinstated.

   Reason: In the interests of the safety of the users of the access and public highway safety in general in accordance with saved policies H12 and TP1 of the Adopted Amber Valley Borough Local Plan 2006.

4. The trees shall be protected in full accordance with the submitted Arboricultural Survey Report dated June 2020 during the period of construction.

   Reason: The trees in question are considered to be features of significance. This condition is imposed to ensure that they are satisfactorily protected during the period when construction works take place on the site in accordance with saved policy EN8 of the Adopted Amber Valley Borough Local Plan 2006.

5. Notwithstanding the approved plans any works required to the trees to accommodate scaffolding or vehicular access shall be submitted to an approved in writing with the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

   Reason: The trees in question are considered to be features of significance. This condition is imposed to ensure that they are satisfactorily protected during the period when construction works take place on the site in accordance with saved policy EN8 of the Adopted Amber Valley Borough Local Plan 2006.

6. Notwithstanding the approved plans any ground works within the Root Protection of the adjacent trees shall be carried out by hand digging

   Reason: The trees in question are considered to be features of significance. This condition is imposed to ensure that they are satisfactorily protected during the period when construction works take place on the site in accordance with saved policy EN8 of the Adopted Amber Valley Borough Local Plan 2006.

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7. The finished floor levels for the development shall be set no lower than the existing levels of the existing dwelling or 300 millimetres (mm) above the estimated flood level, and flood proofing of the development shall be incorporated where appropriate

   Reason: For the avoidance of doubt and to ensure adequate flood risk measures are carried out in accordance with saved policy EN15 of the Adopted Amber Valley Borough Local Plan 2006.

8. Prior to installation of any plant, ventilation or air conditioning, full details shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then be installed with the agreed details.

   Reason: To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with policy H12 and EN16 of the Adopted Amber Valley Borough Local Plan 2006.

9. The hereby approved extension shall be constructed, on its external face, from stone of a similar geological type that matches that of the original building

   Reason: To ensure the satisfactory appearance of the completed development and to ensure the works are carried out in a way which respects the special appearance and character of the World Heritage Site in accordance with saved policies LS3 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

10. The course depth of the stone walling, in its varied dimensions, shall match that of the host building and the adjacent flat roof extension;

    Reason: To ensure the satisfactory appearance of the completed development and to ensure the works are carried out in a way which respects the special appearance and character of the World Heritage Site in accordance with saved policies LS3 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

11. Notwithstanding the submitted drawings, a stone plinth shall be included to match that of the host building in all its detail

    Reason: To ensure the satisfactory appearance of the completed development and to ensure the works are carried out in a way which respects the special appearance and character of the World Heritage Site in accordance with saved policies LS3 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

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12. The surface texture of walling stone, shall match the rock-face profile and form of the host building

    Reason: To ensure the satisfactory appearance of the completed development and to ensure the works are carried out in a way which respects the special appearance and character of the World Heritage Site in accordance with saved policies LS3 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

13. The architectural dressings of the ashlar frieze band shall continue all details of that of the adjacent stone extension in depth, profile, surface finish

    Reason: To ensure the satisfactory appearance of the completed development and to ensure the works are carried out in a way which respects the special appearance and character of the World Heritage Site in accordance with saved policies LS3 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

14. The stone coping shall match that of the stone extension in terms of its depth, profile and projection

    Reason: To ensure the satisfactory appearance of the completed development and to ensure the works are carried out in a way which respects the special appearance and character of the World Heritage Site in accordance with saved policies LS3 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

15. The lintels shall be stone, with a surface finish to match the host building and with a bearing at least equal to the depth of the lintel and the course depth in which it sits

    Reason: To ensure the satisfactory appearance of the completed development and to ensure the works are carried out in a way which respects the special appearance and character of the World Heritage Site in accordance with saved policies LS3 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

16. The window sills shall have a deep canted profile, to match as closely as possible, that of the host building and the adjacent stone extension

    Reason: To ensure the satisfactory appearance of the completed development and to ensure the works are carried out in a way which respects the special appearance and character of the World Heritage Site in accordance with saved policies LS3 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

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17. The window frames shall be of painted timber to match that of the host building and the adjacent stone extension, with reveals as deep as possible to provide an appropriate depth and modelling

    Reason: To ensure the satisfactory appearance of the completed development and to ensure the works are carried out in a way which respects the special appearance and character of the World Heritage Site in accordance with saved policies LS3 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

18. The mortar mix and joint profile shall ensure that the joints have a minimal impact on the overall wall construction

    Reason: To ensure the satisfactory appearance of the completed development and to ensure the works are carried out in a way which respects the special appearance and character of the World Heritage Site in accordance with saved policies LS3 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

Notes

Attention is drawn to the attached notes:

1 Advisory note: Pursuant to S127 of the Highways Act 1980 at least 6 weeks notification shall be given to the Highway Authority before any works commence in highway on the closure of the access. Email: Highways.hub@derbyshire.gov.uk

2 Any works in or nearby an ordinary watercourse may require consent under the Land Drainage Act (1991) from the County Council. For further advice, or to make an application please contact Flood.Team@derbyshire.gov.uk.

3 No part of the proposed development shall be constructed within 3-8m of an ordinary watercourse and a minimum 3 m for a culverted watercourse (increases with size of culvert). It should be noted that DCC have an anti-culverting policy.

4 Flood resilience should be duly considered in the design of the new building(s) or renovation. Guidance may be found in BRE Digest 532 Parts 1 and 2, 2012 and BRE Good Building Guide 84.

5 Development Low Risk Area - Standing Advice

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The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

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:

TC8 - Food and Drink
LS1 - Sustainability criteria
LS3 - Design
TP1 - Impact on the Transport Network
TP6 - Parking
EN8 - Landscape Features
EN15 - Development and Flood Risk
EN16 - Pollution
EN18 - Derelict, Unstable And Contaminated Land
EN29 - Derwent Valley Mills World Heritage Site

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.

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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