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Mrs Julie Fletcher
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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/2021/0008**) which was valid on the 1 April 2021 for permission for **Change of use from stich craft business/log cutting to a holiday let site comprising six holiday chalets; demolition of cow shed at The Old Cow Shed Dalley Farm Ashbourne Road**

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 received 30/03/2021
   Amended Site Plan Proposed dated 17/05/2021

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Amended Holiday Lodge Elevations and Floor Plan dated 17/05/2021

Reason: In order to define the permission.

3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details and/or samples of the materials and finishes to be used for the external elevations and roof of the holiday lodges , and the development shall be carried out with those materials.

   Reason: To ensure the satisfactory appearance of the completed development in accordance with policies LS3, EN24, EN27 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

4. Prior to first occupation of the hereby approved six no. holiday lodges, a hard and soft landscaping scheme shall be submitted to and be 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 LS3, EN24, EN27 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

5. Prior to first occupation of the hereby approved holiday lodges, full details of the proposed treatment of the boundaries of the site shall be submitted to and approved by the Local Planning Authority.

   The scheme shall include retention of the western field boundary drystone wall, with half round copings, including the field access and field gate at its northern extremity where it meets the north boundary of the application site.

   The agreed boundary treatment shall then be implemented in full in accordance with a phasing scheme prior to the first occupation of the development.

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Reason: To ensure both the satisfactory appearance of the completed development in accordance with policy LS3, EN24, EN27 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

6. Notwithstanding the submitted information on the submitted plans, this permission does not relate to the erection of any further holiday lodges other than the six shown on proposed site plan drawing number dated 17/05/2021.

   Reason: To define the terms of this permission and for the avoidance of doubt.

7. Prior to first occupation of the holiday accommodation, a passing/waiting place adjacent to the existing driveway, which does not disturb any of the listed walls, shall be provided fully in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority. Once agreed the passing/waiting place shall be maintained in perpetuity for the life of the development.

   Reason: In the interests of highway safety as required by Policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

8. Before the first use of the holiday accommodation, space shall be provided within the application site in accordance with the application drawings for the parking and manoeuvring of customer vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

   Reason: In the interests of highway safety as required by Policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

9. There shall be no gates or other barriers within 5m of the nearside highway boundary and any gates shall open inwards only.

   Reason: In the interests of highway safety as required by Policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

10. No development shall take place until:

    a) a written scheme of investigation (WSI) for archaeological work has been submitted to and approved by the local planning authority in
    writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives; and:

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b) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

c) The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: This is a pre-commencement of development condition necessary in the interests of archaeological monitoring as required by policy EN31 of the Adopted Amber Valley Borough Local Plan 2006.

11. Prior to the installation of any underground services associated with water supply or foul sewage disposal within the root protection areas of trees, the precise services scheme shall be first submitted to and approved in writing by the Local Planning Authority. Once approved the services scheme shall be implemented fully in accordance with the approved details and be maintained in perpetuity.

    Reason: To ensure no harm is caused to trees on the site, in accordance with policies EN7 and EN8 of the Adopted Amber Valley Local Plan 2006.

12. Prior to the installation of any hard-surfacing materials within the root protection areas of any trees on site, the precise surfacing materials and method of installation shall be first submitted to and approved in writing by the Local Planning Authority. Once approved the surfacing materials scheme shall be implemented fully in accordance with the approved details and be maintained in perpetuity.

    Reason: To ensure no harm is caused to trees on the site, in accordance with policies EN7 and EN8 of the Adopted Amber Valley Local Plan 2006.

13. No external lighting shall be installed unless full details of its design, location, illuminance levels, orientation and operating times (including the use of timers or passive infra-red detectors) have first been agreed in writing by the Local Planning Authority. Where applicable, luminaires shall incorporate a 'dark skies friendly' fitting with an Upward Light Ratio (ULR) of 0% to limit sky glow and minimise visual intrusion in the open landscape. All works shall be fully implemented in full accordance with the approved scheme before use commences. Any external lighting shall be positioned on site to minimise light trespass and glare throughout the working life of the installation.

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Reason: In the interests of securing a sympathetic lighting scheme which is sensitive to the historic area and in the interests of protecting residential amenity, in accordance with policies LS3, EN16, EN24, EN27 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

14. The six living units hereby approved shall be used as holiday accommodation only and shall not be occupied as permanent residential accommodation independent of the tourism industry. No units shall be occupied continuously by any person for a period exceeding 21 days in any calendar year.

    Reason: This accommodation is only acceptable having regard to the Local Planning Authority's policies for tourism and the protection of the countryside. By its location, design and level of amenity provision it would not be acceptable for permanent residential use in accordance with policy ER12 of the Adopted Amber Valley Borough Local Plan 2006.

15. Notwithstanding the submitted details, this permission does not relate to any re-use of or alterations of the Curtilage Listed Dutch Barn and lean-to, to a flexible use area as shown on the submitted amended plans or to any communal seating/al fresco dining area within the stone wagon hovel building.

    Reason: To define the terms of this permission for the avoidance of doubt.

16. The maximum number of people to occupy each holiday lodge at any one time shall be eight.

    Reason: To control the number of people on the application site in the interests of residential amenity, as required by Policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

17. All site preparation, demolition and construction activities shall comply with the following:

    a) Operating hours:
    No works, or deliveries to and from the site, shall occur other than between 08:00 and 18:00 hours on weekdays and between 08:00 and 13:00 hours on Saturdays. No works shall take place on Sundays or bank holidays. Any essential extension to these hours, other than for emergency works, shall be agreed with the Local Planning

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Authority before work commences. Activities that do not create noise and disturbance to residents may still take place outside these hours;

b) Noise and vibration:

All activities shall comply with British Standard BS 5228 'Code of practice for noise and vibration control on construction and open sites'.

No piling, blasting, dynamic compaction or use of vibrating rollers shall occur on the site before notifying the Borough Council's Environment Unit;

c) Dust/Particulate emissions:

No visible dust/particulate matter shall be emitted beyond the site boundary. At such times as the prevention of nuisance is not possible, dust/particulate generating activities shall temporarily cease until such time as dust suppression measures become effective. The on-site crushing and/or screening of bricks, tiles or concrete must only be conducted under an environmental permit and the Borough Council's Environment Unit must be notified of any such activities at least 7 days prior to their commencement. No vehicle shall leave the site unless in a clean condition such that it does not deposit dust or mud on the highway. Any such deposits shall be removed from the highway at least once daily;

d) Waste:

No unwanted materials shall be disposed of on site by burning;

e) Lighting:

Any temporary site lighting shall be positioned on site to minimise light trespass and glare.

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

18. All guests shall arrive or depart the site, other than in emergency circumstances, only between 12:00(noon) and 20:00 hours on any day.

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

19. Prior to the use of the premises being brought into operation a noise mitigation scheme shall be submitted to, and approved in writing by, the Local Planning Authority detailing the measures to be implemented to ensure that any noise associated with the development does not cause detriment to amenity or a nuisance to people living and working in the vicinity. The scheme shall include appropriate measures for the mitigation of noise from sources within the application site. The approved scheme shall be implemented fully in accordance with the approved scheme and be maintained in perpetuity for the life of the development.

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

20. No outdoor areas, including shared games/recreational areas, shall be occupied between 23:00 and 07:00hrs the following day.

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

21. No development shall commence until:

    a)
    i.The approved development site has been subjected to a detailed investigation to determine the extent, scale and nature of any contamination and an assessment of the potential risks (the "Assessment") has been carried out.
    ii. A report providing the details of the site investigation and the Assessment been submitted and approved in writing by the Local Planning Authority.
    iii. A Remediation Method Statement (the "RMS") to address any remediation required by the Assessment including a plan for how the remediation methods will be verified, has been submitted and approved in writing by the Local Planning Authority.
    b) The development shall be undertaken in strict compliance with the requirements contained within the approved RMS. Any proposed revisions to the RMS must be submitted and approved in writing by the Local Planning Authority prior to any changes in remediation methods.
    c) If during development works, any contamination is encountered which was not previously identified and is derived from a different source and/or of a different type to those already identified, then no further works shall take place until a revised RMS is submitted to and approved in writing by the Local Planning Authority and the works shall then be carried out in accordance with the revised RMS.
    d) If during development work, site contamination is found in areas previously expected to be uncontaminated, then the remediation of those areas shall be carried out in accordance with the approved RMS.
    e) No building shall be occupied unless and until a Verification Report in accordance with the RMS has been submitted to and approved in writing by the Local Planning Authority.
    f) All investigations, assessments and reports must be carried out by a suitably qualified competent person previously agreed in writing by the Local Planning

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Authority and in accordance with the Environment Agency publication Land contamination: risk management (LCRM).

Reason: This is a pre-commencement of development condition necessary to ensure the site is developed free from unacceptable levels of land contamination, as required by Policy EN18 of the Adopted Amber Valley Borough Local Plan.

Notes

Attention is drawn to the attached notes:

1 The Borough Council's Trees and Conservation Officer has advised in any event that any tree pruning is required (such as for site access or any other operations associated with construction) that the Landscape Services department is notified prior to any works taking place.

2 The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place.
It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

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3 With regards to Condition 7, the applicant/developer is advised that the passing place should be provided with no adverse impact on the listed walls at the site access. There is scope to provide a passing place on the greenery directly to the access drive and rear of the dry stone wall, which has been informally agreed with the Highway Authority.

4 The applicant is strongly urged to help meet the Government's commitments to achieve net-zero carbon emissions by 2050, and to meeting the NPPF's environmental objective of mitigating and adapting to meet climate change, including moving to a low carbon economy. Therefore, the applicant is strongly urged to include on-site renewable energy generation (e.g. solar panels), the de-carbonising of heating systems (e.g. air-/ground-source heat pumps) and enhanced levels of insulation beyond those required by present building standards.

Advice in relation to sustainable energy measures and any need for planning permission can be found at:

https://www.planningportal.co.uk/info/200125/do_you_need_permission

5 The applicant is advised that no additional overnight visitors, tents, caravans or motorhomes or similar are permitted by this permission, which is defined by being a development of six holiday lodges for a maximum of eight persons per lodge. To establish a touring caravan, motorhome and camping site as an expanded facility would require planning permission.

6 In relation to Condition 19, the applicant/operator is advised of the following:

The operator of the site is likely to be held responsible, and therefore subject to enforcement action, for any noise/nuisance caused by guests that is found to constitute a statutory nuisance under Part III of the Environmental Protection Act 1990 or other relevant environmental health legislation. The applicant should consider the following:

- The feasibility of relocating or reducing noise levels from relevant sources;
- Construction types and methods to maximise acoustic insulation of the buildings/structures; and
- Assess external amenity area noise and options for acoustic screening.

Reasons for Granting Permission

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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
EN1 - Countryside
EN7 - Landscape Character Areas
EN8 - Landscape Features
EN13 - Nature Conservation
EN18 - Derelict, Unstable And Contaminated Land
EN24 - Listed Buildings
EN27 - Conservation Areas
EN29 - Derwent Valley Mills World Heritage Site
EN31 - Archaelogical Interest
TP1 - Impact on the Transport Network
EN16 - Pollution
ER12 - Tourism

In detail:

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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