Julian Townsend
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TOWN AND COUNTRY PLANNING ACT 1990

(PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) 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/2021/0428**) which was valid on the 26 April 2021 for permission for **Listed building consent for proposed restoration and conversion of existing warehouse and stables building into apartments at Former Fuchs Site Derby Road Belper**

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 works for which this consent is granted shall be begun before the expiration of three years from the date of this consent.

   Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) 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 drawing numbers

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Drawing 21034-P-001 Location Plan
Drawing 21034-P-101 Rev C Proposed Site Layout
Drawing 21,034-P-102 Rev B Proposed Floor Plans
Drawing 21,034-P-104 Rev B Proposed Floor Plans (Stable)
Drawing 21,034-P-103 Rev A Elevations
Drawing 21,034-P-105 Rev A Stable Elevation 1
Drawing 21,034-P-106 Rev A Stable Elevation 2
Drawing 21,034-P-205 Cross Section
Drawing 21,034-P-201 Rev A Window and Door Detail 1
Drawing 21,034-P-202 Rev A Window and Door Detail 2
Drawing 21,034-P-203 Rev A Window and Door Detail 3
Drawing 21,034-P-204 Rev A Window and Door Detail 4.

Reason: To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application in accordance with saved policies EN24 and EN25 of the Adopted Amber Valley Borough Local Plan 2006.

3. Notwithstanding the approved plans no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority full details of external materials including the parking areas and the driveway (sufficient to support a refuse vehicle). In addition, full details of the double leaf vehicular gates and gate posts, including 1:10 scale elevations and full size framing sections, materials, finish(es) and colour(s) shall be submitted and agreed. The development shall then be completed and retained in accordance with the approved details.

   Reason: To ensure the satisfactory appearance of the completed development in accordance with saved policies EN24 and EN25 of the Adopted Amber Valley Borough Local Plan 2006.

4. a) No development shall take place until a Written Scheme of Investigation for historic building recording has been submitted to and approved by the local planning authority in writing, until all on-site elements of the approved scheme have been completed to the written satisfaction of the local planning authority, and until the provision to be made for analysis, reporting, publication and dissemination of the results and archive deposition has been secured. The Written Scheme of Investigation shall include an assessment of significance and research questions; and

   i) The programme and methodology of site investigation and recording
   ii) The programme and provision for post-investigation analysis and reporting

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iii) Provision to be made for publication and dissemination of the analysis and records of the site investigation
iv) Provision to be made for archive deposition of the analysis and records of the site investigation
v) Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation
b) No development shall take place other than in accordance with the Written Scheme of Investigation for historic building recording approved under condition 4 a)
c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation for historic building recording approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure that any features of archaeological/historic interest are protected and recorded in accordance with saved policy EN31 of the Adopted Amber Valley Borough Local Plan 2006.

5. Notwithstanding details permitted by this permission, prior to any works, a method statement for the masonry repairs shall be submitted and agreed in writing by the Local Planning Authority which covers the following:

i) The location and extent of localised repairs to damaged stone sills, heads, coursed walling stone, removal of any brick/non-original material and any cut or altered stone, followed by repair with stone of matching texture, colour and coursing.
ii) For each elevation of the warehouse and the stable block, proposals for de-vegetation and any cleaning process to the external stonework
iii) Repairs of the existing stone boundary wall to the north boundary of the application site, including the areas of re-pointing to both sides of the wall, with a lime-based mortar mix, joint preparation, profile, surface finish and texture
iv) Repairs shall be completed in accordance with the agreed details.

Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Buildings, Conservation Area and World Heritage Site in accordance with saved policies EN24 and EN25 of the Adopted Amber Valley Borough Local Plan 2006, policy NPP11 of the Belper Neighbourhood Plan and with the NPPF.

6. Prior to any internal works full details of the following shall be submitted and agreed in writing with the Local Planning Authority:

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i) Internal joinery, including doors, door linings, skirtings, etc., to the proposed apartments and communal spaces to the warehouse and the stables, which should be suitably simple and industrial in scale and character,
ii) Any repairs or other works to the brick vaulted ceiling and their supporting steel beams in the stable block.
iii) Any works/ repairs to the chimney stacks to the warehouse and stable block.
iv) The external finish and colour of all the newly installed new opening aluminium window, door and door frames, to the warehouse and stables,
v) New window heads, stringcourse/sills and ventilation grilles, to the new ground floor openings, D0.05, W0.28, W0.29, W0.30 and D0.10, new first floor openings, windows W1.35, W1.36, W1.37, W1.38 and between W1.34/W1.35, and new second floor window openings, windows W2.37, W2.38, W2.39, W2.44 and W2.45, on drawing No 21,034-P-103 Rev A, 'Proposed Elevations', including materials and surface finish.
vi) The external finish and colour of all the repaired, newly installed new openings, and replacement timber window, door and door frames, to the warehouse and stables
vii) Including samples showing finish, texture and colour of the external lime-based render, to a partial area to the ground floor of the north elevation of the warehouse.

Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Buildings, Conservation Area and World Heritage Site in accordance with saved policies EN24 and EN25 of the Adopted Amber Valley Borough Local Plan 2006, policy NPP11 of the Belper Neighbourhood Plan and with the NPPF.

7. Prior to any new windows being installed and notwithstanding the details hereby approved in respect of new first floor openings, windows W1.35, W1.36, W1.37, W1.38 and between W1.34/W1.35, second floor openings, windows W2.37, W2.38, W2.39, W2.44 and W2.45, on drawing No 21,034-P-103 Rev A, 'Proposed Elevations', full details of the window pattern and opening lights, including 1:10 scale elevations and full size framing sections, shall be submitted and agreed in writing with the Local Planning Authority. The development shall then commence and be completed in accordance with the agreed details.

Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Buildings, Conservation Area and World Heritage Site in accordance with saved policies EN24 and EN25 of the Adopted Amber Valley Borough Local Plan 2006, policy NPP11 of the Belper Neighbourhood Plan and with the NPPF

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8. Prior to any new windows being installed and notwithstanding the details hereby submitted in respect of door, D.0.02, on the revised elevations, drawing No 21,034-P-105 Rev A, 'Proposed Stables Elevations', full details of the Infill timber boarding, including the 2No window openings therein shall be submitted and agreed in writing with the Local Planning Authority. The development shall then commence and be completed in accordance with the agreed details.

   Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Buildings, Conservation Area and World Heritage Site in accordance with saved policies EN24 and EN25 of the Adopted Amber Valley Borough Local Plan 2006, policy NPP11 of the Belper Neighbourhood Plan and with the NPPF.

9. Prior to any new windows being installed and notwithstanding the details hereby approved in respect of windows, W.0.09 and W.0.10, on the revised elevations, drawing No 21,034-P-105 Rev A, 'Proposed Stables Elevations', full details of the window pattern, which shall have more of a vertical proportion shall be submitted and agreed in writing with the Local Planning Authority. The development shall then commence and be completed in accordance with the agreed details.

   Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Buildings, Conservation Area and World Heritage Site in accordance with saved policies EN24 and EN25 of the Adopted Amber Valley Borough Local Plan 2006, policy NPP11 of the Belper Neighbourhood Plan and with the NPPF.

10. Prior to any boundary treatment alterations and notwithstanding the details hereby submitted in respect of Drawing No 21034-P-101 Rev C for the treatment to the boundary with the car park of the adjacent building, to the north of the site, full details including 1:10 scale elevations and full-size framing sections, materials, finish(es) and colour(s) of the typical construction for the boundary treatment, shall be submitted and agreed in writing with the Local Planning Authority. The development shall then commence and be completed in accordance with the agreed details.

    Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Buildings, Conservation Area and World Heritage Site in accordance with saved policies EN24 and EN25 of the Adopted Amber Valley Borough Local Plan 2006, policy NPP11 of the Belper Neighbourhood Plan and with the NPPF.

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Notes

Attention is drawn to the attached notes:

1 The development complies with the provisions of the development plan for the locality and raises no unresolved issues in relation to heritage

2 The National Planning Policy Framework (NPPF) is a material consideration in planning decisions. In accordance with 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.

3 The hipped roof of the stable block, the existing slate roof to be stripped, with any spray foam insulation to be removed; existing structure to be inspected and localised repairs to timbers as necessary; new or supplementary roof coverings shall be natural slate to match the existing, over new laths and breathable felt; 350mm earth wool insulation to be provided, all as per the main warehouse roof, unless otherwise agreed in writing with the LPA

4 The ridge and hips to the stable block roof shall be lead wood core rolls to an appropriate lead code.

0 The existing hips and ridges to the warehouse shall be re-used, if possible, or replaced on a like-for-like basis, unless otherwise agreed in writing with the LPA.

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:

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In detail:

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The development complies with the provisions of the development plan for the locality and raises no unresolved issues in relation to the protection and enhancement of features at the site of architectural and historic importance.

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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.**