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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/2021/0914**) which was valid on the 12 August 2021 for permission for **Variation of condition 2 (amendment to approved drawings), 5 and 6 for the wording of the Written Statement of Investigation (WSI) to approved application AVA/2018/0542 at Lawn Farm Whitewells Lane 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 development hereby permitted shall be begun before the expiration of three years from the date of the original permission AVA/2018/0542 (20 March 2019).

   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 and documents listed below:

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Planning application form
Amended site location plan which includes visibility splay improvement to the southwest dwg 1741-012
Proposed site access visibility splay dwg 1741-011
Bayliss Consulting Report and Structural survey on the barns 30 April 2018 Ref 4963
Heritage Impact Assessment ARS Report February 2019
Written Scheme of Investigation for Archaeological Works June 2021 (updated July 2021) by Archaeological Research Services Ltd 2021

Block plan as proposed dwg 1741-003C
Ground and first floor plans as proposed dwg 1741-007F
Elevations and sections as proposed dwg 1741-009F
Elevations as proposed dwg 1741-008F
Roof plan as proposed dwg 1741-010E

Reason: To define the terms of the permission.

3. Prior to the commencement of any works which may affect bats and their habitat (Building 1) a detailed mitigation and monitoring strategy to include obtaining a Natural England licence shall be submitted to and approved in writing by the local planning authority. All works should then proceed in accordance with the approved strategy and the conditions of the Natural England licence.

   Reason: This is a pre-commencement of works condition to ensure the development does not have an adverse impact upon species specifically protected under the schedules of the Wildlife and Countryside Act 1981 in accordance with saved policy EN13 and to improve the biodiversity of the local area.

4. Prior to the commencement of the development, a bird mitigation and enhancement strategy (namely the timing of works to avoid harm to nesting birds and the provision of replacement nesting opportunities for swallows) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the dwellings and retained thereafter.

   Reason: This is a pre-commencement of works condition to ensure the development does not have an adverse impact upon species specifically protected under the schedules of the Wildlife and Countryside Act 1981 in accordance with saved policy EN13 and to improve the biodiversity of the local area.

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5. No development shall take place other than in accordance with the Written Scheme of Investigation for Archaeological Works June 2021 (updated July 2021) by Archaeological Research Services Ltd 2021.

   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 archaeological Written Scheme of Investigation and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

   Reason: In accordance with the requirements of para 205 of NPPF which requires developers to make provision for the recording of heritage assets which are to be impacted by their proposals and saved policy EN31 of the Adopted Amber Valley Borough Local Plan 2006.

6. No development shall take place until the primary site archive has been submitted to and approved in writing by the local planning authority.

   The analysis, reporting, publication and dissemination of the results and archive deposition shall be undertaken in full accordance with the Written Scheme of Investigation for Archaeological Works June 2021 (updated July 2021).

   Reason: In accordance with para 205 of NPPF which requires developers to make provision for the recording of heritage assets which are to be impacted by their proposals and saved policy EN31 of the Adopted Amber Valley Borough Local Plan 2006.

7. Before any other operations are commenced the existing access to Whitewells Lane shall be modified in accordance with the revised application drawings and provided with 2.4m x 65m visibility splays in both directions, the area in advance of the sightlines being maintained clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the nearside carriageway channel level.

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

8. The premises the subject of this application, shall not be occupied until space has been provided within the application site in accordance with the application drawings (including garage parking) for parking and manoeuvring of residents'', service and

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delivery vehicles, laid out, surfaced and maintained throughout the life of the development free form any impediment to its designated use.

Reason: In the interests of highway safety in accordance with saved policies H12 and TP6 of the Adopted Amber Valley Borough Local Plan 2006.

9. There shall be no gates or other barriers within 7.5m of the nearside highway boundary and any gates shall open inwards only.

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

10. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 2008 (or any other revoking and re-enacting that Order) no development relating to Class A, B, C, D or E of Part 1 of Schedule 2 (erection of extensions; alterations to the roof; buildings incidental to the enjoyment of the dwelling house; the insertion, enlargement, improvement or replacement of windows or doors; erection or construction of a porch) or the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking and re-enacting that Order) no development relating to Class A of Part 2 of Schedule 2 (erection of walls, fences, enclosures) shall be undertaken without the prior written approval of the Local Planning Authority.

    Reason: To protect the character and visual amenities of the locality in accordance with saved policy LS3, H12, EN6 and EN29 of the Adopted Amber Valley Borough Local Plan 2006..

11. All replacement stonework shall be course stonework to match the existing. Precise details of the stone geological type, colour, block size, surface texture shall be shown on a sample panel with motor joints shall first be submitted to and agreed in writing by the Local Planning Authority prior to installation.

    Reason: To ensure a high quality of design in accordance with saved policies LS3, EN6 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

12. Prior to re-pointing the existing stonework the mortar joint width, profile and texture shall be agreed in writing by the Local Planning Authority.

    Reason: To ensure a high quality of design in accordance with saved policies LS3, EN6 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

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13. Notwithstanding the submitted plan annotations, prior to installation, samples of the roof coverings comprising blue plain clay and grey pantiles with ridge and hip tiles shall be submitted to and approved in writing by the Local Planning Authority.

    Reason: To ensure a high quality of design in accordance with saved policies LS3, EN6 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

14. Eaves and verge details shall be flush with no fascia boards.

    Reason: To ensure a high quality of design in accordance with saved policies LS3, EN6 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

15. Prior to installation of the timber boarding precise details shall be submitted including profile, width, fixing detail and finish/colour.

    Reason: To ensure a high quality of design in accordance with saved policies LS3, EN6 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

16. Prior to installation details of the aluminium windows shall be submitted to the Local Planning Authority and approved in writing including frame sections and colour reference.

    Reason: To ensure a high quality of design in accordance with saved policies LS3, EN6 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

17. Prior to installation precise details of the door and window surrounds, including heads and sills, depth and reveal shall be submitted to and approved in writing by the Local Planning Authority.

    Reason: To ensure a high quality of design in accordance with saved policies LS3, EN6 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

18. Prior to installation details of the garage doors precise details of the opening, finish and colour shall be submitted to the Local Planning Authority and approved in writing by the Local Planning Authority.

    Reason: To ensure a high quality of design in accordance with saved policies LS3, EN6 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

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19. Unit 1
In relation to Unit 1 prior to installation details of the following shall be submitted to and approved in writing by the Local Planning Authority:

a) roof materials:
b) roof details: verge, eaves, soffit to overhanging section;
c) precise details of the curved wall stone and mortar;
d) black rainwater goods;
e) black metal cladding including profile, width, fixing detail and finish/colour.
f) glazing; (large areas to include an external bris soleil)

Reason: To ensure a high quality of design in accordance with saved policies LS3, EN6 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

20. Service Installations
Prior to installation details of the following shall be submitted to and approved in writing by the Local Planning Authority:
- flues
- satellite dishes and aerials;
- ventilation terminals;
- meter boxes;

Reason: To ensure a high quality of design in accordance with saved policies LS3, EN6 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

21. Prior to installation any paving and external surfaces details shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a high quality of design in accordance with saved policies LS3, EN6 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

22. Prior to installation a sample panel of the boundary walls, which shall be of dry gritstone construction, shall be constructed on site for inspection and approval by the Local Planning Authority.

Reason: To ensure a high quality of design in accordance with saved policies LS3, EN6 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

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Notes

Attention is drawn to the attached notes:

1 The Scientific Officer advises of the following:

Due to the variable nature of agricultural use it is theoretically possible that the ground may have become contaminated. Contamination can occur due to fuels, chemicals, or materials stored or used in, or around structures; this includes any nearby 'farm pits'. The applicant should seek professional advice should contamination be suspected at any stage of the development, and inform the Council's Scientific Officer at the earliest opportunity.

The developer should be aware that actions or omissions on their part could lead to liability being incurred, e.g. where development fails to address an existing unacceptable risk or creates such a risk by introducing a new receptor or pathway.
More information regarding land contamination can be found on the Councils Land Pollution web page (www.ambervalley.gov.uk/environment-and-planning/pollution).

The developer should seek professional advice if they suspect Asbestos Containing Material (ACM) is present on any building to be demolished or altered. The developer/land owner/ land manager may be liable if they fail to identify and manage any ACM appropriately.

More information regarding ACM can be found on the Health and Safety Executives web page (www.hse.gov.uk/asbestos).

2 Derbyshire Wildlife Trust advises that no development should commence until a copy of the required Natural England EPS Licence has been submitted to and acknowledged in writing by the Local Planning Authority.

3 Derbyshire Wildlife Trust advises that no works to or demolition of buildings or structures or removal of vegetation that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the Local Planning Authority and then implemented as approved.

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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
EN1 - Countryside
EN6 - Special Landscape Area
EN13 - Nature Conservation
H6 - Countryside Conversion
H12 - Design and amenity considerations
TP1 - Impact on the Transport Network
TP6 - Parking

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, sunlight/daylight, 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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