Julian Townsend
Executive Director (Operations)
Development Management

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Mr and Mrs Hartshorn

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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/2021/0834**) which was valid on the 26 July 2021 for permission for **Variation of Condition 2 (the approved plans) of AVA/2019/0552 to secure alterations to the access drive around farmstead and to the farm building, new plant room, amended design for storage buildings and minor revisions to elevations of the main house at Culland Farm Wingfield Park South Wingfield.**

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/2019/0552 (16th December 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.

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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 Site Plan - drawing number CUL MMA Z1 ZZ DR A 01025 Revision P10
   Amended Master Plan - drawing number CUL MMA Z1 ZZ DR A 01005 Revision P13
   Boiler House Elevations and Roof Plan - drawing number CUL MMA Z1 ZZ DR A 01028 Revision P1
   Proposed Site Elevations - drawing number CUL MMA Z1 ZZ DR A 03006 Revision P8.
   Basement Plan - drawing number CUL MMA Z1 B1 DR A 02002 Revision P5
   Outbuilding Elevations and Floor Plan - drawing number CUL MMA Z1 ZZ DR A 01027 Revision P5
   Proposed House Elevations - drawing number CUL MMA Z1 ZZ DR A 03005 Revision P5
   Proposed House Floor Plans - drawing number CUL MMA Z1 ZZ DR A 02001 Revision P5
   Site Location Plan - drawing number 01001 Revision P5
   F19033/02 and 03 Highway plans
   Barn conversion - drawing 02004 and 02006 Revision P1

   Reason: In order to define the permission.

3. The hereby approved development shall be undertaken in accordance with the Tree Protection & Arboricultural Impact report (Jon Coe Tree Services Ltd, January 2020) and the Construction and Environment Protection Plan produced by RammSanderson RES_3404_01_V1 dated February 2020).

   Reason: To ensure no harm is caused to protected species and safeguard trees at Cawdor Wood Local Wildlife Site during the construction process, in accordance with Policies EN7, EN8 and EN13 of the Adopted Amber Valley Borough Local Plan 2006.

4. 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.

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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 Authority and in accordance with the most recent version of BS 10175: Code of practice for the investigation of potentially contaminated sites.

Reason: The undertaking of a site investigation for land contamination is necessary to ensure that adequate information pertaining to risks arising from land contamination is available to inform an assessment that the site is either suitable for its proposed use or appropriate remedial measures could make the site suitable for its proposed use. In order to ensure the safety of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

5. Prior to first occupation, a lighting strategy shall be submitted to and approved in writing by the Council. Such approved measures must be implemented in full and maintained thereafter. No new external lighting shall be installed prior to written approval of the Borough Council.

   Reason: 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 policy EN13 and to improve the biodiversity of the local area in accordance with Policy EN8 and EN13 of the Adopted Amber Valley Borough Local Plan 2006.

6. Prior to first occupation of the hereby approved dwellinghouse, details of a hard landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. Details shall include: I. proposed finished levels and contours; ii. means of enclosure; iii. car parking layouts; iv. other vehicle and pedestrian access and circulation areas; v. hard surfacing materials; vi. minor artefacts and structures (e.g. signs, lighting etc); vii. retained historic landscape features and proposals for restoration, where relevant. b) Prior to occupation/first use of the development hereby permitted all hard landscaping shall be carried out and completed in accordance with the approved
   details.

   Reason: To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings in accordance with policies LS3 and EN7 of the Adopted Amber Valley Borough Local Plan 2006.

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7. The proposals the subject of the application shall not be taken into use until the existing access has been modified in accordance with the application drawings F19033/01.

   Reason: To ensure appropriate access to the development in accordance with policy TP1 of the Adopted Local Plan and Part 9 of the NPPF.

8. The measures outlined on pages 34 and 37 of the PEA (RSE_1522-01-V2) in relation to badger, reptiles and great crested newt shall be implemented in full.

   Reason: 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 policy EN13 and to improve the biodiversity of the local area in accordance with Policy EN8 and EN13 of the Adopted Amber Valley Borough Local Plan 2006.

9. The mitigation, compensation and enhancement measures detailed in the Bat Survey Report produced by RammSanderson in the Bat Survey Report (RSE_1522-Bat-V1) shall be implemented in full and maintained thereafter.

   Reason: This pre commencement condition is required 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 policy EN13 and to improve the biodiversity of the local area in accordance with Policy EN8 and EN13 of the Adopted Amber Valley Borough Local Plan 2006.

10. The domestic curtilage of the proposed replacement dwelling shall be restricted to inside the rear walled garden and stepped area to the site frontage only.

    Reason: For the avoidance of doubt and to prevent encroachment into the countryside in accordance with policies LS3, EN1 and H5 of the Adopted Local Plan.

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11. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that Order) no development or change of use relating to Part 1, Part 2 or Part 3 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, erection of walls, fences, enclosures, change of use) 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 policies EN1, LS3 and EN7 of the Adopted Amber Valley Borough Local Plan 2006.

12. The outbuilding shown on plan 01027 P5 shall be used solely for agricultural and/or equestrian purposes.

    Reason: To define the permission and to ensure the buildings are used for purposes suitable to the rural context in accordance with policy EN1 of the Adopted Local Plan 2006.

13. The hereby approved development shall be undertaken fully in accordance with the enhancement strategy plan drawing number RSE_3404_EN1 Rev V1 prior to occupation of the hereby approved dwelling. Once provided the detailed enhancement strategy shall be maintained in perpetuity for the life of the development.

    Reason: To ensure the development does not have an adverse impact on species specifically protected under the schedules of the Wildlife and Countryside Act 1981 and to improve biodiversity in the local area in accordance with Policy EN13 of the Adopted Amber Valley Borough Local Plan 2006.

14. No development shall take place other than in accordance with the recommendations of the Written Scheme of Archaeological Works dated January 2020 prepared by Archaeological Research Services Ltd. The dwellinghouse 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: To ensure no harm is caused to archaeological remains in accordance with Policy EN31 of the Adopted Amber Valley Borough Local Plan 2006.

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15. No development shall take place other than in accordance with the Written Scheme of Investigation for historic building recording set out in the Written Scheme of Archaeological Works dated January 2020 prepared by Archaeological Research Services Ltd. The dwellinghouse 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 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

    Reason: In the interests of securing appropriate archaeological monitoring of the historic buildings, as required by Policy EN31 of the Adopted Amber Valley Borough Local Plan 2006.

16. Prior to their installation details, including sections, recess and finish of all windows and doors to the entire development shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

    Reason: To ensure and appropriate finished form of development in accordance with policies LS3, EN7, H5 and H12 of the Adopted Local Plan.

17. Prior to any of the works on the elevations/roof of the proposed buildings hereby permitted are commenced, precise details and samples where necessary of all the materials and finishes to be used in the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of eaves, verges, heads, cills, chimneys, decorative elements and mouldings, pipework, guttering, balustrading, gates, walls and steps. Stonework shall include the geological source, construction method, bed heights and lengths. The development shall then be completed in accordance with the approved details.

    Reason: To ensure an appropriate finished form of development in accordance with policies LS3, EN7, H5 and H12 of the Adopted Local Plan.

18. a) Prior to works on the hereby approved buildings and land being commenced a scheme detailing the existing and proposed land levels of the site including site sections, spot heights, contours and the finished floor levels of all buildings with reference to on and off site datum point and their relationship to existing neighbouring buildings and land shall be submitted to and approved by the Local Planning Authority, and the development shall be constructed in accordance with the agreed levels.

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b) Prior to any building hereby permitted being occupied/brought into use, the finished floor levels of the buildings and any changes to the land levels of the development shall be constructed and completed in accordance with the approved details.

Reason: To ensure an appropriate scale of development in accordance with policies LS3 and en7 of the Adopted Amber Valley Borough Local Plan 2006.

19. Prior to occupation of the hereby approved dwelling, a 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 H12 of the Adopted Amber Valley Borough Local Plan 2006.

20. Prior to first occupation of the hereby approved dwellinghouse, precise details of the retaining walls necessary to the rear of the new farm buildings shall be submitted to and approved in writing by the Local Planning Authority. Once agreed the retaining walls shall be constructed fully in accordance with the approved details and be maintained in perpetuity for the life of the development.

    Reason: In the interests of visual amenity and protecting the character of the site in accordance with Policies EN1, EN7 and EN8 of the Adopted Amber Valley Borough Local Plan 2006.

21. Prior to any works commencing in respect of the proposed Sewage Treatment Plant full details of the plant shall be submitted to and agreed in writing with the Local Planning Authority. Works shall be completed in accordance with the agreed details.

    Reason: To ensure the works proposed are appropriate in this context terms of the hierarchy set out by the Environment Agency and in respect of ground waters in accordance with policies LS3 and EN15 of the Adopted Local Plan.

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Notes

Attention is drawn to the attached notes:

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
H5 - Housing development outside settlements
H6 - Countryside Conversion
H12 - Design and amenity considerations
TP1 - Impact on the Transport Network
TP6 - Parking
EN1 - Countryside
EN7 - Landscape Character Areas
EN8 - Landscape Features
EN13 - Nature Conservation
EN15 - Development and Flood Risk
EN18 - Derelict, Unstable And Contaminated Land
EN24 - Listed Buildings
EN30 - Scheduled Ancient Monuments
EN31 - Archaeological Interest
EN11 - Agricultural development
EN16 - Pollution

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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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