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Executive Director (Operations)
Development Management

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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/2021/1231**) which was valid on the 22 November 2021 for permission for **Demolition of existing outbuildings and extensions to form additional living accommodation at The Homestead Dalley Lane Blackbrook**

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 hereby permitted shall be carried out only in accordance with the details and specifications shown on the amended drawings 20714/A/5000c, 20714/A/8000b and , 20714/A/7000b received on 06.12.2021 and amended plan 20714/A/600d and gate plan 20714/A/9000 received on 09.12.2021.

Date : 18 January 2022

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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. Full details of the proposed stonework, including geological type, surface finish, block dimensions and course depth, shall be submitted and agreed in writing with the Local Planning Authority, prior to installation. The development shall be undertaken in accordance with the approved details

   Reason: To ensure the satisfactory appearance of the completed development in accordance with policies LS3, H12 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

4. Samples of the proposed facing brickwork and Staffordshire Blue plain clay tile roof covering shall be submitted and agreed in writing with the Local Planning Authority prior to construction. The development shall be undertaken in accordance with the approved details.

   Reason: To ensure the satisfactory appearance of the completed development in accordance with policies LS3, H12 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

5. Notwithstanding the submitted details for the gate, full details of the gates including the finishes shall be submitted and agreed in writing with the Local Planning Authority prior to installation. The development shall be undertaken in accordance with the approved details.

   Reason: To ensure the satisfactory appearance of the completed development in accordance with policies LS3, H12 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

6. No removal of trees or shrubs or demolition of buildings or structures shall take place between 1st March and 31st August inclusive unless a survey to assess the nesting bird activity on the site during this period and a scheme to protect the nesting birds has first been submitted to and approved in writing by the Local Planning Authority. No trees, shrubs, buildings or structures shall be removed between 1st March and 31st August inclusive other than in accordance with the approved bird nesting protection scheme.

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Reason: To secure a net gain for biodiversity and protect the birds within the site in accordance with Policy EN13 of the Adopted Amber Valley Borough Local Plan 2006.

7. Prior to any construction above foundations level, a scheme of biodiversity enhancement shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include, as a minimum, the incorporation of integrated (inbuilt) features within the building for roosting bats. The enhancement scheme shall be implemented in accordance with the agreed details as construction proceeds and completed prior to the first occupation of the development and shall remain in perpetuity.

   Reason: To secure a net gain for biodiversity and protect the bats within the site in accordance with Policy EN13 of the Adopted Amber Valley Borough Local Plan 2006.

8. Notwithstanding the submitted details, the window details to the north opening of the proposed garden room shall be submitted and agreed in writing with the Local Planning Authority prior to installation. The development shall be undertaken in accordance with the approved details.

   Reason: To ensure the satisfactory appearance of the completed development in accordance with policies LS3, H12 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

9. All verges shall be flush with a textured finish, not trowel-smoothed;

   Reason: To ensure the satisfactory appearance of the completed development in accordance with policies LS3, H12 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

10. The proposed painted timber windows shall have a flush framing detail including sills, with consistent glass lines between fixed lights and opening lights.

    Reason: For the avoidance of doubt to ensure the satisfactory appearance of the completed development in accordance with policies LS3, H12 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

11. Full details of the proposed painted timber doors shall be submitted and agreed in writing with the Local Planning Authority prior to installation and shall me installed and maintained as agreed.

Date : 18 January 2022 Signed



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Executive Director (Operations)

Reason: To ensure the satisfactory appearance of the completed development in accordance with policies LS3, H12 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

12. Full details of the finished colour for the proposed development shall be submitted and agreed in writing with the Local Planning Authority and the development shall be completed in accordance with the approved details.

    Reason: To ensure the satisfactory appearance of the completed development in accordance with policies LS3, H12 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

13. Window and door frames in new construction shall be set with a minimum 75mm reveal;

    Reason: For the avoidance of doubt to ensure the satisfactory appearance of the completed development in accordance with policies LS3, H12 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

14. The replacement window and door frames in existing openings shall be as existing or set with a minimum 75mm reveal;

    Reason: For the avoidance of doubt to ensure the satisfactory appearance of the completed development in accordance with policies LS3, H12 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

15. All gutters shall be metal on rise and fall brackets.

    Reason: For the avoidance of doubt to ensure the satisfactory appearance of the completed development in accordance with policies LS3, H12 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 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

2 The applicant should be aware that the site lies in an area identified by the Coal Authority as having probable unrecorded shallow coal workings, which could be a source of ground gas. It may be prudent for the applicant to consider the inclusion of precautionary gas protection in the extension. Whilst these precautions are likely to be better than those of the existing main structure, they may help to negate any theoretical effect that the increased overall footprint of the completed building may cause with regards to ground gas, should any be present.

3 The applicant 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).

4 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.

Date : 18 January 2022

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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).

Reasons for 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 relevant Neighbourhood Plans, and saved policies of the Adopted Amber Valley Borough Local Plan 2006;

H5 - Housing development outside settlements
H12 - Design and amenity considerations
LS1 - Sustainability criteria
LS3 - Design
EN18 - Derelict, Unstable And Contaminated Land
EN29 - Derwent Valley Mills World Heritage Site
EN24 - Listed Buildings

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.

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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 twelve weeks 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. **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.**
3. **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.**
4. **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.**
5. **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

6. **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.**
7. **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.**
8. **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".**
9. **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.**
10. **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.**