Julian Townsend
Executive Director (Operations)
Development Management

Town Hall
Ripley
Derbyshire DE5 3BT
Tel: 01773 570222
Fax: 01773 841523
Minicom: 01773 841490
Email: enquiry@ambervalley.gov.uk
Web: www.ambervalley.gov.uk

Amelia Johnson
David Ashley Developments
15 Clover Nook Road
Cotes Park Industrial Estate
Somercotes
Derbyshire
DE55 4RF

Mr Chris Wood
JSA Architects
Sadler Bridge Studios
Bold Lane
Derby
DE1 3NT

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/2020/1014**) which was valid on the 3 November 2020 for permission for **Erection of 2 no detached family dwellings on land opposite Cliff Inn public house at Land Opposite The Cliff Inn Town End Crich**

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 **REFUSED for the following reasons:**

Conditions/Reasons

1. By virtue of the loss of an attractive agricultural open setting to the Grade II Listed Cliff Inn and the Grade II Listed Derby Assembly Rooms, the development would be harmful to the significance of the designated heritage assets, diminishing how they are experienced within an historical rural setting. This is contrary to Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires that special regard must be had to the desirability of preserving the setting of a Listed Building or any features of special architectural or historic interest which it possesses; contrary to Policy EN24 of the Adopted Amber Valley Borough Local Plan 2006, which requires that new buildings or structures within the setting of Listed Buildings will only be permitted where the proposals contribute to the preservation of the Listed Building and its setting, having regard to the elements which make up its special interest,

Date : 17 February 2022

Signed

Julian Townsend
Executive Director (Operations)

including the character, appearance, scale and its original function; and contrary to Paragraphs 197 and 200 of the National Planning Policy Framework as the development fails to sustain or enhance the significance of the heritage assets and does not evidence clear or convincing justification for the loss of significance to the assets. The harm to the setting of the designated heritage assets would be 'less than substantial' with the public benefits not outweighing the harm caused in the planning balance considered in accordance with Paragraph 202 of the National Planning Policy Framework.

2. The development harms the Outstanding Universal Value of the Derwent Valley Mills World Heritage Site by virtue of a loss of rural character on a prominent greenfield site within the defined Buffer Zone which provides positive countryside views across the Derwent Valley, and obstruction of those views from the settlement. This is contrary to Policy EN29 of the Adopted Amber Valley Borough Local Plan 2006, which states that development within the Buffer Zone to the World Heritage Site will require all development proposals to preserve or enhance the setting of the World Heritage Site, including views into and out of the site; contrary to Paragraphs 197 and 200 of the National Planning Policy Framework as the development fails to sustain or enhance the significance of the heritage asset and does not evidence clear or convincing justification for the loss of significance to the asset. The harm to the setting of the designated heritage asset would be 'less than substantial' with the public benefits not outweighing the harm caused in the planning balance considered in accordance with Paragraph 202 of the National Planning Policy Framework.

3. The development is harmful to the openness and character of the countryside and to a designated special landscape area which is a recognised area of high landscape sensitivity by virtue of development of two large-scale residential properties on a prominent site which makes a significant positive contribution to the rural setting of the village by a development which obstructs sweeping long ranging views across the Derwent Valley and wider landscape beyond the settlement boundary. This is contrary to Policies EN1 and H5 of the Adopted Amber Valley Borough Local Plan 2006, as an inappropriate development within the countryside; contrary to Policy NP2 of the Adopted Crich Parish Neighbourhood Plan, as the development lies outside of the defined Settlement Development Boundary.

   The application causes an adverse effect on the landscape quality and character of the area, contrary to Policy EN6 of the adopted Amber Valley Borough Local Plan 2006, fails to take into account the pattern and composition of trees and the impact of the development upon them in the absence of an Arboricultural Impact Assessment contrary to Policy EN7 (b) and Policy EN8 of the adopted Amber Valley Borough Local

Date : 17 February 2022 Signed

Julian Townsend
Executive Director (Operations)

Plan 2006. The development erodes an identified Green Gap shown in Map 10, which is contrary to Policies NP2 (1,b) and NP3 (2) of the Adopted Crich Parish Neighbourhood Plan as the development fails to protect the landscape character and open rural setting to Crich; end stopping a significant view from the settlement boundary.

The development is contrary to Paragraph 174 (a) of the National Planning Policy Framework as the development would fail to protect or enhance a recognised valued landscape; contrary to Paragraph 174 (b) of the National Planning Policy Framework as the development fails to recognise the intrinsic character and beauty of the countryside; and contrary to Paragraph 180 (c) of the National Planning Policy Framework as in the absence of an Arboricultural Impact Assessment the impacts on trees on the application site cannot be properly considered.

4. By virtue of a distinct urban design, and an incongruous scale of development on the rural setting to the village settlement, and within the context and setting of designated heritage assets, the development fails to reflect the principles of good design by respecting the character of the locality, contrary to Policy LS3 of the Adopted Amber Valley Borough Local Plan 2006; is not in scale and character with the traditional Derbyshire vernacular, contrary to Policy H12 of the Adopted Amber Valley Borough Local Plan 2006; fails to draw upon local character and on this basis does not enhance the local distinctiveness and quality of the Parish, contrary to Policy NP4 (c) of the Adopted Crich Parish Neighbourhood Plan; would fail to add to add to the quality of the area or be sympathetic to local character and history, contrary to Paragraph 130 (a) and (c) of the National Planning Policy Framework.

5. By virtue of sub-standard highway visibility at the proposed vehicular access to the site and an intensification in use of the sub-standard access, the application would lead to an increase in likelihood of driver conflicts and confusion and resulting traffic accidents, contrary to the best interests of highway safety. The development is therefore contrary to Policy TP1 of the Adopted Amber Valley Borough Local Plan 2006 as the development fails to provide a satisfactory access to the highway network and contrary to Paragraph 110 (b) of the National Planning Policy Framework as the application has not demonstrated that a safe and suitable access to the site can be achieved for all users.

6. The proposal does not constitute sustainable development for the purposes of paragraphs 8 (c) and 11 (d, i) of the National Planning Policy Framework, since the application of policies in the Framework that protect areas or assets of particular importance, provide a clear reason for refusing the development proposed by virtue of

Date : 17 February 2022 Signed

Julian Townsend
Executive Director (Operations)

the environmental harm that would arise to the setting of the Grade II Listed Cliff Inn, to the Grade II Listed Derby Assembly Rooms and the defined rural setting of the Derwent Valley Mills World Heritage Site.

Notes

Attention is drawn to the attached notes:

In detail:

The processing of this planning application has been undertaken in accordance with the requirements of the National Planning Policy Framework (NPPF). Dialogue between the applicant and Local Planning Authority has been undertaken to try and address the issues associated with the proposal. This includes allowing a significant delay in the determination of the application to give the applicant the opportunity to submit additional information, however, the issues regarding the principle of development have failed to be resolved.

Date : 17 February 2022 Signed



Julian Townsend
Executive Director (Operations)

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. **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.**