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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/2021/0889**) which was valid on the 10 August 2021 for permission for **The erection of an agricultural building, and Unilateral Undertaking to relinquish the permissions the erection of two agricultural buildings (AVA-2018-0096 and AVA-2017-0771) at Land Adj Sandy Lane Sandy Lane Coxbench**

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 set out below and the conditions within this decision notice:

   - Site Location Plan;
   - Block Plan; and,

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- Proposed Floor Plan & Elevations.

Reason: In order to define the permission.

3. a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and
   1. The programme and methodology of site investigation and recording
   2. The programme for post investigation assessment
   3. Provision to be made for analysis of the site investigation and recording
   4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
   5. Provision to be made for archive deposition of the analysis and records of the site investigation
   6. 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 archaeological Written Scheme of Investigation approved under condition (a).

   c) The development shall not be occupied until the site investigation and post investigation reporting has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for publication and dissemination of results and archive deposition has been secured.

   Reason: This is a pre-commencement of development condition required to ensure an appropriate investigation of potential archaeological remains is undertaken, in accordance with saved policy EN31 of the Adopted Amber Valley Borough Local Plan 2006.

4. The use hereby permitted shall remain ancillary to the land associated with this application and not be severed as an independent and unconnected business unit.

   Reason: To enable the Local Planning Authority to assess the impact of the proposed development in accordance with saved policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

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5. Notwithstanding the provisions contained within the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Order revoking and re-enacting that Order) this permission shall relate to the use only as defined in the application and for no other purpose.

   Reason: For the avoidance of doubt and to enable the Local Planning Authority to maintain a satisfactory control of the activities involved in accordance with saved policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

6. No development shall take place to the frame and external elevations of the hereby approved development until there has been submitted to and approved in writing by the Local Planning Authority details and/or samples of the materials and finishes to be used for the external elevations, roof, roller shutter doors and finish of exposed frame of the proposal. The development shall be carried out with the agree details.

   Reason: For the avoidance of doubt and to ensure the works are carried out in a way which respects the special appearance and character of the Conservation Area in accordance with saved policies LS3 and EN27 of the Adopted Amber Valley Borough Local Plan 2006.

7. Prior to the hereby approved development being brought into use, a scheme of hard and soft landscaping shall be submitted to and approved by the Local Planning Authority. All planting, seeding or turfing indicated on the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or 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 saved policies LS3 and EN27 of the Adopted Amber Valley Borough Local Plan 2006.

8. Prior to the hereby approved development being brought into use, full details of the proposed treatment of the boundary(ies) of the site, including gates, shall be submitted to and approved by the Local Planning Authority. Any agreed scheme shall be implemented in full in accordance with a phasing scheme prior to the occupation of the development.

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Reason: For the avoidance of doubt and to ensure the works are carried out in a way which respects the special appearance and character of the Conservation Area in accordance with saved policies LS3 and EN27 of the Adopted Amber Valley Borough Local Plan 2006.

9. There shall be no external lighting.

   Reason: For the avoidance of doubt and to ensure the works are carried out in a way which respects the special appearance and character of the Conservation Area in accordance with saved policies LS3 and EN27 of the Adopted Amber Valley Borough Local Plan 2006.

10. Tree protection measures, in accordance with BS 5837 (2012) and as shown on the submitted Block Plan, shall be erected on the site outside the root protection areas for the duration of construction

    Reason: For the avoidance of doubt and the tree(s) in question are considered to be features of significance. This condition is imposed for the avoidance of doubt and to ensure that they are satisfactorily protected during the period when construction works take place on the site in accordance with saved policy EN8 of the Adopted Amber Valley Borough Local Plan 2006.

Notes

Attention is drawn to the attached notes:

1 The application site is affected by a Public Right of Way (Footpath number 18 Horsley on the Derbyshire Definitive Map). The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 01629 533190.

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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EN31 - Archaelogical Interest
TP1 - Impact on the Transport Network
TP6 - Parking
LS1 - Sustainability criteria
LS3 - Design
EN2 - Green Belt
EN7 - Landscape Character Areas
EN11 - Agricultural development
EN16 - Pollution
EN18 - Derelict, Unstable And Contaminated Land
EN27 - Conservation Areas
EN30 - Scheduled Ancient Monuments

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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