Simon Gladwin
Executive Director (Operations)
Development Management

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

Jeremy Street
Holdcroft Ltd.
32 High Street
Repton
DERBY
DE65 6GD

Jeremy Dunn
Holdcroft Ltd.
32 High Street
Repton
DERBY
DE65 6GD

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/2021/0293**) which was valid on the 5 July 2021 for permission for **Conversion and extension to stone building to form one detached dwelling at Land Off Eden Bank Eden Bank Ambergate**

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 as follows:

   Block Plan May 2022
   Plan view of site showing various proposed sections Drg PPS2B
   Proposed roof plan and landscape layout Drg PRL1C
   Proposed elevations 1 - Drg PE1B
   Proposed elevations 2 - Drg PE2B

Date : 4 August 2022

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Proposed plans and sections PPS1B
Existing plans Drg EPS1A

Addendum statement - Conversion and Extension to Stone Building to form one Detached Dwelling Rev 1
Whitcher Wildlife Ltd Bat survey Ref 210372 date 14 May 2021

Reason: To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application in accordance with policies LS3, H12 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

3. Prior to the commencement of development all existing trees on the edge of the woodland and the north-east boundary of the development (between the red area of development and the blue area of land also owned by the applicant as shown on the site location plan) shall be fenced off to the limit of their branch spread in accordance with BS 5837. No works including: i. removal of earth; ii. Storage of materials; iii. vehicular movements or; iv. siting of temporary buildings or structures, shall be permitted within these protected areas. b) These tree protection measures shall remain in place until the development is completed.

   Reason: To prevent unnecessary damage to existing trees in accordance with policies LS3 and EN8 of the Adopted Amber Valley Borough Local Plan 2006.

4. The development shall be carried out in strict accordance with the mitigation strategy/measures detailed in section 5 of the Bat Survey prepared by Whitcher Wildlife Ltd May 2021. Prior to installation a plan showing the type and location of bat box to be erected shall be provided to the local planning authority.

   Reason: In the interests of biodiversity in accordance with saved policy EN13 of the Adopted Amber Valley Borough Local Plan 2006.

5. Prior to any of the works on the external elevations/roof of the building(s) are commenced, samples of the materials and finishes to be used in the construction of the external surfaces shall be submitted to and approved in writing by the Local Planning Authority.

   The development shall then be carried out in accordance with the approved details.

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

Date : 4 August 2022

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6. Prior to installation precise details of all new windows/doors and their frames at the development shall be submitted to and agreed in writing with the Local Planning Authority before installation. The work shall be carried out in accordance with the agreed details and shall be completed prior to the occupation or commencement of use of the development.

   Reason: To ensure the works are carried out in a way which respects the special appearance and character of the area in accordance with policies LS3, H12 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

7. Prior to installation, full details of the proposed eaves treatment and soil and vent pipes shall be submitted to and approved in writing by the Local Planning Authority.

   The work shall be carried out in accordance with the agreed scheme and shall be completed prior to the occupation or commencement of use of the development.

   Reason: To ensure the works are carried out in a way which respects the special appearance and character of the area in accordance with policies LS3, EN29 of the Adopted Amber Valley Borough Local Plan 2006.

8. No barge or fascia boards shall be used. All guttering shall be supported by rise and fall brackets fixed directly to the walls.

   The work shall be completed prior to the occupation or commencement of use of the development and maintained as such in perpetuity.

   Reason: To ensure the works are carried out in a way which respects the special appearance and character of the area in accordance with policies LS3, H12 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

9. Prior to the development hereby permitted being occupied/brought into use the rooflights to the bedroom of the west roof plane shall be installed with obscure glazing to a minimum of Pilkington - Privacy Level 3 or an equivalent product.

   Once installed the glazing shall be retained as such thereafter.

   Reason: To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with policies H12 and LS3 of the Adopted Amber Valley Borough Local Plan 2006.

Date : 4 August 2022

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10. Notwithstanding the provision of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any other revoking and re-enacting that Order), no development relating to Class A, B, C, D, E, F, G and H of Part 1 of Schedule 2 (enlargement, improvement or other alterations of a dwellinghouse; an addition or alteration to its roof; any other alteration to the roof of a dwellinghouse; the erection of a porch outside any external door of a dwellinghouse; the erection of curtilage buildings; a hard surface within the curtilage of a dwellinghouse; the installation, alteration or replacement of a chimney, flue or soil or vent pipe or a microwave antenna on a dwellinghouse) and Class A of Part 2 of Schedule 2 (erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure) 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 policy LS3, H12 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

11. Prior to installation precise details of the proposed treatment of the boundary(ies) of the site shall be submitted to and approved in writing by the Local Planning Authority. Prior to any building hereby permitted being occupied/brought into use, the boundary treatment for that building(s) shall be installed and completed in accordance with the agreed details.

    Reason: To ensure both the satisfactory appearance of the completed development and an adequate level of amenity for the proposed dwellings in accordance with policies LS3, H12 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

12. Prior to installation precise details of the proposed garden retaining wall shall be submitted to and approved in writing by the Local Planning Authority.

    Reason: To ensure both the satisfactory appearance of the completed development and an adequate level of amenity for the proposed dwellings in accordance with policies LS3, H12 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

13. Two parking spaces, measuring 5.5m x 2.5m, shall be provided within the site curtilage prior to the dwelling being occupied and maintained thereafter throughout the life of the development.

    Reason: To provide satisfactory parking to serve the development in accordance with saved policy H12 and PT6 of the Adopted Amber Valley Borough Local Plan 2006.

Date : 4 August 2022

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14. The area of hardstanding for parking shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse. Precise details of the scheme to be used shall be submitted to and approved in writing by the Local Planning Authority before works commence on the hardstanding.

    The hardstanding shall then be constructed in accordance with the approved details prior to occupation/the development being brought into use.

    Reason: To ensure the provision of adequate facilities to dispose of surface water and an acceptable visual impact in accordance with policies LS3, EN29 and EN15 of the Adopted Amber Valley Borough Local Plan 2006.

15. The domestic curtilage to the dwelling is defined on drawing - Proposed roof plan and landscape layout Drg PRL1C

    Reason: For the avoidance of doubt.

Notes
Attention is drawn to the attached notes:

1 The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

  It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

  Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your

Date : 4 August 2022 Signed S Gladwin

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attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:
www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property-specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Informative Note valid until 31st December 2020

2 The Borough Council's Heritage Officer states that the retention of the existing front and gable openings is welcomed, to preserve the authenticity and traditional character. All new window and door frames should again aim to maintain the non-domestic, ancillary character and appearance, ideally painted timber, of simple, robust construction, set deep within their respective openings and finished in a recessive colour.

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

Date : 4 August 2022

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LS2 - Community Safety
LS3 - Design
H3 - Housing development within settlements
H12 - Design and amenity considerations
EN8 - Landscape Features
EN13 - Nature Conservation
EN18 - Derelict, Unstable And Contaminated Land
EN29 - Derwent Valley Mills World Heritage Site
TP1 - Impact on the Transport Network
TP6 - Parking
RNH2 - Other Sites For New Housing Development

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.**