Simon Gladwin
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Development Management

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TOWN AND COUNTRY PLANNING ACT 1990

(PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) 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/2021/0671**) which was valid on the 10 June 2021 for permission for **Listed Building Consent for conversion of first floor store into one bedroom studio apartment including rebuilding a mezzanine floor, re-opening of windows, new internal walls and insulation, enlarging rooflights and a new stove flue, works to farmhouse to include a replacement roof covering, new rooflight to bedroom and new external door at New Buildings Farm Taylors Lane Ashleyhay**

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 works for which this consent is granted shall be begun before the expiration of three years from the date of this consent.

   Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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:

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Site Location Plan and Block Plan - drawing 1117/P01.1 Rev A
Proposed Sections - drawing 1117/P12 Rev B
Proposed Roof - drawing 1117/P09 Rev B
Proposed Floor Plan - drawing 1117/P08 Rev B
Proposed Elevations - drawing 1117/P11 Rev B
Proposed Elevations - drawing 1117/P10 Rev B

Reason: In order to define the permission.

3. Prior to installation, full details of the of the sheet roofing material to the low pitch roof shall be submitted to and agreed in writing by the Local Planning Authority. Once approved the sheet roofing material shall be installed fully in accordance with the agreed details and be maintained in perpetuity for the life of the development.

   Reason: To prevent harm to the historic fabric of the listed building in accordance with Policy EN24 of the Adopted Amber Valley Borough Local Plan 2006.

4. Prior to installation, full details of the of the conservation rooflights shall be submitted to and agreed in writing by the Local Planning Authority. Once approved the conservation skylights shall be installed fully in accordance with the agreed details and be maintained in perpetuity for the life of the development.

   Reason: To prevent harm to the historic fabric of the listed building in accordance with Policy EN24 of the Adopted Amber Valley Borough Local Plan 2006.

5. Prior to installation, full details of the replacement window frame to the front/west (proposed kitchen/dining area) shall be submitted to and agreed in writing by the Local Planning Authority. Once approved the replacement window shall be installed fully in accordance with the agreed details and be maintained in perpetuity for the life of the development.

   Reason: To prevent harm to the historic fabric of the listed building in accordance with Policy EN24 of the Adopted Amber Valley Borough Local Plan 2006.

6. Prior to installation, full details of the insulated lime plaster, including edge details at opening reveals, shall be submitted to and agreed in writing by the Local Planning Authority. Once approved the insulated lime plaster shall be installed fully in accordance with the agreed details and be maintained in perpetuity for the life of the development.

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Reason: To prevent harm to the historic fabric of the listed building in accordance with Policy EN24 of the Adopted Amber Valley Borough Local Plan 2006.

7. Prior to installation, full details of the new half-glazed door the farmhouse shall be submitted to and agreed in writing by the Local Planning Authority. Once approved the door shall be installed fully in accordance with the agreed details and be maintained in perpetuity for the life of the development.

   Reason: To prevent harm to the historic fabric of the listed building in accordance with Policy EN24 of the Adopted Amber Valley Borough Local Plan 2006.

8. Prior to installation, full details of the mezzanine balustrading, shall be submitted to and agreed in writing by the Local Planning Authority. Once approved the balustrading shall be installed fully in accordance with the agreed details and be maintained in perpetuity for the life of the development.

   Reason: To prevent harm to the historic fabric of the listed building in accordance with Policy EN24 of the Adopted Amber Valley Borough Local Plan 2006.

9. Prior to installation, full details of the internal joinery, including doors, linings and architraves shall be submitted to and agreed in writing by the Local Planning Authority. Once approved the internal joinery shall be installed fully in accordance with the agreed details and be maintained in perpetuity for the life of the development.

   Reason: To prevent harm to the historic fabric of the listed building in accordance with Policy EN24 of the Adopted Amber Valley Borough Local Plan 2006.

10. Prior to installation, full details of the wall/floor junction shall be submitted to and agreed in writing by the Local Planning Authority. Once approved the wall/floor junction shall be installed fully in accordance with the agreed details and be maintained in perpetuity for the life of the development.

    Reason: To prevent harm to the historic fabric of the listed building in accordance with Policy EN24 of the Adopted Amber Valley Borough Local Plan 2006.

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11. Prior to occupation of the hereby approved studio apartment, full details of reinstated chimney pots shall be submitted to and agreed in writing by the Local Planning Authority. Once approved the chimney pots shall be installed fully in accordance with the agreed details prior to occupation of the studio apartment and be maintained in perpetuity for the life of the development.

    Reason: To prevent harm to the historic fabric of the listed building in accordance with Policy EN24 of the Adopted Amber Valley Borough Local Plan 2006.

12. The studio apartment hereby approved shall not be occupied until such time that the existing concrete roof tiles across the entire building have been replaced with a Staffordshire blue roof tile across the entire roof planes, precise samples of which shall be first submitted to and approved in writing by the Local Planning Authority. Once agreed the works shall be undertaken fully in accordance with the agreed roof tile prior to occupation of the studio apartment and be maintained in perpetuity for the life of the development.

    Reason: To ensure that in the overall planning balance the external heritage benefits from enhancing the external appearance of the listed building outweigh the harm caused to the internal fabric of the listed building, in accordance with Policy EN24 of the Adopted Amber Valley Borough Local Plan 2006.

Notes

Attention is drawn to the attached notes:

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;

EN24 - Listed Buildings

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

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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 protection and enhancement of features at the site of architectural and historic importance.

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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.