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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/2022/0787**) which was valid on the 31 August 2022 for permission for **Variation of condition 5 of AVA/2021/0921 to allow for the Pilates and Yoga Studio use within class E(d) at 105 Bridge Street Belper Derbyshire**

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 planning permission AVA/2021/0921 (25th July 2022).

   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.

Date : 18 October 2022

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2. The development shall be carried out in accordance with the details contained in the submitted plans and documents listed below:

- Site location plan drawing no. 0284-1-01-00 Rev B;
- Site plan drawing no. 0284-3-08-00 Rev C;
- Building 1 - Elevations A and B drawing no. 0284-3-21-00 Rev C;
- Block 1 - GA Elevations C and D drawing no. 0284-3-21-01 Rev B;
- Block 1 - Proposed Basement Floor GA Plan drawing no. 0284-3-11-00 Rev B;
- Block 1 - Proposed Ground Floor GA Plan drawing no. 0284-3-11-01 Rev D;
- Block 1 - Proposed First Floor GA Plan drawing no. 0284-3-11-02 Rev D;
- Block 1 - Proposed Second Floor GA Plan drawing no. 0284-3-11-06 Rev C;
- Block 1 - Proposed Floor GA Plan drawing no. 0284-3-11-07 Rev C;
- Block 2 - GA Elevations E, F & G drawing no. 0284-3-21-02 Rev A;
- Blocks 2 and 3 - Ground Floor GA Plan drawing no. 0284-3-11-05 Rev C;
- Block 3 - GA Elevations H, I and J drawing no. 0284-3-21-03 Rev A; and,
- Heat source pump specification.

Reason: In order to define the permission.

3. The premises, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the application drawings for the parking and manoeuvring of residents', visitors, staff, customers and service and delivery vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

Reason: In the interests of the safety of the users of the access and public highway safety in general in accordance with saved policies TP1 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

4. The hereby approved development shall be carried out in accordance with the recommendations of the revised Arboricultural Report dated 27 April 2022.

Reason: The tree(s) in question are considered to be features of significance. This condition is imposed 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.

Date : 18 October 2022

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5. Notwithstanding the provisions contained within the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking and re-enacting that Order) this permission shall relate to the use of the premises only for the purposes defined in Class E(c), E(d) (Pilates and yoga studio use only within this Use and provided that amplified sound, percussion and weights is prohibited therein), E(e) and E(g) and for no other purpose (including any other purpose in Classes E of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

   Reason: To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with saved policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

6. The uses hereby permitted shall be carried out within the application site only between the times first submitted to and agreed in writing by the Local Planning Authority.

   Reason: To protect the amenity of the residents of adjacent properties in accordance with saved policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

7. Prior to installation, full details of replacement and/or reinstatement windows to east elevation facing Bridge Street, specified as WG-B1-01, WG-B1-02, WG-B1-03; WG-B1-04, WF-B1-01, WF-B1-02, including 1:10 scale elevations and full size framing sections, reveal depths, finish and colour, shall be submitted and agreed in writing by the Local Planning Authority. The works shall be carried out in accordance with the agreed details.

   Reason: 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.

8. Prior to installation, full details of reinstated entrance door DG-B1-02, to east elevation facing Bridge Street, including 1:10 scale elevations and full size framing sections, reveal depth, finish and colour, shall be submitted and agreed in writing by the Local Planning Authority. The works shall be carried out in accordance with the agreed details.

   Reason: 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.

Date : 18 October 2022

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9. Notwithstanding the hereby approved plans, prior to installation, full details of the proposed conservation rooflights, their size, number and location shall be submitted and agreed in writing with the Local Planning Authority. The works shall be carried out in accordance with the agreed details.

   Reason: 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. Notwithstanding the hereby approved plans, prior to the hereby approved development being brought into use, full details of all boundary treatments, including the treatment to the front garden area and screen fencing to the residential parking area, shall be submitted to and agreed in writing with the Local Planning Authority. The works shall be carried out in accordance with the agreed details.

    Reason: 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.

11. Prior to installation, precise details of the proposed bin stores shall be submitted and agreed in writing by the Local Planning Authority. The works shall be carried out in accordance with the agreed details.

    Reason: 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.

12. Prior to the hereby development being brought into use, a scheme of hard and soft landscaping, including surface material to the commercial car parking bays, and method of delineating individual bays shall be submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the agreed details. 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, to help assimilate the new development into its surroundings and to ensure the works are carried out in a way which respects the special appearance and

Date : 18 October 2022

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character of the Conservation Area in accordance with saved policies LS3, EN8 and EN27 of the Adopted Amber Valley Borough Local Plan 2006.

13. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that Order) no development relating to Class A, B, C, D or E of Part 1 of Schedule 2 (erection of extensions; alterations to the roof; buildings incidental to the enjoyment of the dwelling house; the insertion, enlargement, improvement or replacement of windows or doors; erection or construction of a porch) or the provision of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that Order) no development relating to Class A of Part 2 of Schedule 2 (erection of walls, fences, enclosures) 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 saved policy LS3 and EN27 of the Adopted Amber Valley Borough Local Plan 2006..

14. Prior to any commencement of development, 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 features within the development for roosting bats and nesting
swifts. 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.

    Reason: To ensure the development does not have an adverse impact upon species specifically protected under the schedules of the Wildlife and Countryside Act 1981 and to enhance the ecological value of the site to improve the biodiversity of the local area in accordance with saved policy EN13 of the Adopted Amber Valley Borough Local Plan 2006.

Date : 18 October 2022

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Notes

Attention is drawn to the attached notes:

1 The Borough Council's Environmental Health (Pollution) section advise the applicant of the following:

Where existing buildings are sub-divided, it is important to ensure that the internal division provides reasonable resistance to the transmission of airborne sound via walls, floors and stairs, and to impact sound via floors and stairs, with respect to noise from the activities and building services plant both within that building and from any adjoining commercial/domestic buildings. The impact of break-in from externally generated noise, such as road traffic, through the weakest parts of the building, i.e. the windows, should also be addressed.

The development should comply with the requirements of 'Approved Document E: Resistance to the passage of sound' in Schedule 1 to the Building Regulations 2000 (as amended) and the applicant is advised to contact Derbyshire Building Control Partnership for advice on this matter. It is important to note that Building Regulations may not apply in all cases and that compliance with the Regulations may not be sufficient to prevent noise complaints, so specialist acoustic advice should also be sought. Failure to adequately address this matter at the construction stage could result in future enforcement action in response to complaints and the substantial cost of remedying inadequate sound insulation retrospectively.

Date : 18 October 2022

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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
LS3 - Design
TC1 - Development in Town Centres
H3 - Housing development within settlements
H12 - Design and amenity considerations
TP1 - Impact on the Transport Network
TP6 - Parking
ER11 - Quality and design of development
EN16 - Pollution
EN27 - Conservation Areas
EN29 - Derwent Valley Mills World Heritage Site

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.**