Simon Gladwin
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Development Management

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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/2022/0818**) which was valid on the 17 October 2022 for permission for **Change of use of workshop (Unit 2 only) to pet crematorium, including minor alterations to the building and associated works to existing drive (this may affect the setting of a Conservation Area) at Boarding Kennels Tree Tops Derby Road**

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 hereby approved development shall be carried out in accordance with the following approved documents and plans:
   - Application Form
   - Site location plan
   - Block Plan Drawing Number 049(20)S01
   - Proposed Elevations & Floor Plan Drawing Number 0049(21)001 and 0049(20)001
   - Proposed Roof Plan Drawing Number 049(20)002

   Reason: To define the terms of this permission.

Date : 6 April 2023

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3. The ~~operation~~ use of the hereby permitted cremator shall be carried out within the application site only between 09:00 and 18:30 hours on Mondays to Saturdays; and at no time on Sundays and bank holidays.

   Reason: In accordance with saved policy EN16 of the Amber Valley Borough Local Plan Review 2006

4. This permission allows the operation of an 'Addfield PET200' incinerator only unless otherwise agreed in writing with the Local Planning Authority.

   Reason: In accordance with saved policy EN16 of the Amber Valley Borough Local Plan Review 2006

5. The permitted incinerator ('Addfield PET200') shall be operated only in accordance with the following:
   a. The incinerator shall at all times be installed, operated, maintained and serviced in accordance with the manufacturer's instructions. No alterations or modifications shall be made to the incinerator or stack without the prior written approval of the Local Planning Authority and confirmation from the manufacturer that efficient operation of the incinerator would be maintained;
   b. The incinerator shall burn a single load at a burn rate of less than 50 kilogrammes per hour (a 'low capacity incinerator');
   c. The fuel burned shall be limited to light fuel oil (kerosene) at an average consumption rate of up to 14 litres per hour;
   d. Emissions to air from the incinerator stack shall be free from visible emissions (other than a clear heat haze), and significant odour, at all times;
   e. Damage or malfunction of any part of the incinerator or stack shall be immediately noted on the cremation log and reported to the maintenance contractor. The incinerator shall not be operated until such time as the issue has been resolved and the action taken noted on the cremation log. The incinerator shall not be operated during any interruption to the electricity or fuel supply; and
   f. Vegetation around the application site shall be pruned such that it does not impede effective dispersion of emissions from the stack. The stack, including its end fitting, shall be maintained to ensure effective dispersion of emissions at all times.

   Reason: In accordance with saved policy EN16 of the Amber Valley Borough Local Plan Review 2006

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6. A cremation log shall be kept at all times and shall include the following information for each cremation:

a. Animal type;
b. Total animal weight and number;
c. Any materials included in the cremation in addition to the carcase;
d. Name of operator;
e. Date and time cremation commenced;
f. Pre-heat time;
g. Primary chamber temperature/time;
h. Secondary chamber temperature/time;
i. Weather conditions, including temperature and wind direction and speed;
j. Comments on the visual appearance and odour of emissions from the incinerator stack (clear heat haze or any visual emissions/smoke) at the beginning and end of the burn period, minimum;
k. Date and time cremation ended (burn fully completed);
l. Total duration of each individual cremation (to confirm that the animal carcase is burned at a burn rate of less than 50 kilogrammes per hour and that the liquid fuel (kerosene) is burned at a rate of less than 366.4 kilowatts);
m. Any damage or malfunction of any part of the incinerator or stack and the action taken in response (with dates); and
n. Method of ash disposal.

Reason: In accordance with saved policy EN16 of the Amber Valley Borough Local Plan Review 2006

Notes

Attention is drawn to the attached notes:

1 The applicant may require an environmental permit if they incinerate any wastes other than pets. Guidance on cremation can be found at Animal by-products: how to burn them at an incinerator site - GOV.UK (www.gov.uk)

2 Appropriate facilities shall be provided for the proper reception, storage and disposal of all solid and liquid waste arising from the operation of the business. Animal carcases shall be stored in a refrigerator until they are incinerated. Ash shall be double-bagged and stored in a sealed container until removed from site for disposal by a registered waste carrier.

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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
EN1 - Countryside
EN2 - Green Belt
EN7 - Landscape Character Areas
EN8 - Landscape Features
EN13 - Nature Conservation
EN15 - Development and Flood Risk
EN16 - Pollution
EN27 - Conservation Areas
TP1 - Impact on the Transport Network
TP6 - Parking
ER6 - Rural economy
ER11 - Quality and design of 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, 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.**