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

Mr Tim Wilson
Wingfield Lodge
Moorwood Moor
Derbyshire
DE55 7NU

Mr Simon Foote
Simon Foote Architects
74 Friar Gate
Derby
DE1 1FN
United Kingdom

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/2022/1081**) which was valid on the 8 December 2022 for permission for **Part change of use from Class D1 to Class C3 Residential on an existing chapel to form a 3 bedroom dwelling at Chapel House Potters Lane Moorwood Moor**

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.

Date : 11 April 2023

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2. The development hereby permitted shall be carried out only in accordance with the details and specifications shown on the amended drawings:
Proposed Floor Plans and Elevations, Drg no: 22/739/P01
Proposed Block and Location Plan, Drg no: 22/739/P03

Received by the Council on 6th December 2022

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

3. The facing materials and roof tiles to be used in the development hereby permitted shall match as closely as possible those used in the construction of the existing building.

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any Order revoking and re-enacting that Order) no development relating to Class A and B of Part 1 of Schedule 2 (erection of extensions) 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 policies LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

5. The proposed development shall have a finished floor level of 143AOD as shown on the following drawing:
Proposed Floor Plans and Elevations: 22/739/P01
Received on 6th December 2022

Any alterations to this shall be subject to the written approval of the Local Planning Authority prior to the commencement of work.

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

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6. Parking shall be provided on the basis of 2 spaces for up to and including a 3 bedroom dwelling and 3 spaces for in excess of a 3 bedroom dwelling.

   Reason: In accordance with the established policy of the Local Planning Authority to ensure that domestic vehicles and those of visitors, may be parked clear of the public highway in accordance with policy TR6; of the Adopted Amber Valley Borough Local Plan 2006.

7. Prior to demolition /re-development of the proposed building , a Level 3 Building Record, in accordance with the Historic England guidance - Understanding Historic Buildings - A Guide to Good Recording Practice, pub. 2016, shall be undertaken and submitted to the local planning authority. The record should be undertaken by a competent historic buildings archaeologist or architectural historian and should incorporate both a photographic and measured survey, subject to a Written Scheme of Investigation to be approved by the local planning authority.

   Reason: In order to provide an historic record of the built heritage of the site in accordance with policies EN23, EN26 of the Adopted Amber Valley Local Plan 2006.

8. The garage/carport hereby permitted shall not be used for the storage of vehicles other than private motor vehicles, and shall be retained for such a purpose in perpetuity.

   Reason: To ensure that adequate off-street parking is provided to reduce the possibility of the proposed development leading to on-street parking problems and in the interest of highway safety and in accordance with Policies TP1 and TP6 of the Adopted Amber Valley Borough Local Plan 2006.

9. The dwelling hereby approved shall not be occupied until such time as the following biodiversity protection and enhancement measures as set out within the approved Bat Activity Survey written by ML Ecology, dated 24th September 2021 and have been implemented

   The mitigation measures are as follows;
   2 x bat boxes (Vivara Pro Woodstone bat box - or similar) to be hung on the south or west facing exterior walls/gable end.
   These shall be maintained in perpetuity.

   Reason: This condition is imposed to ensure that the mitigation measures and Biodiversity enhancements as set out within the Report entitled Bat Activity Survey written by ML Ecology, dated 24th September 2021 and in accordance with policy EN13 of the Adopted Amber Valley Borough Local Plan 2006.

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Notes

Attention is drawn to the attached notes:

1 The applicant is advised to investigate the disposal of all surface water from the development to either an appropriate system of soakaways or separate surface water drainage, and not to discharge into the foul sewerage system without the prior approval of Severn Trent Water Ltd.

2 Bats and owls are protected under the Wildlife and Countryside Act, 1981. Bats and/or owls often use old buildings for roosting. If there is any reason to believe that bats or owls are present, English Nature should be informed immediately. The Council's address is PO Box 18, Town Hall, Ripley, DE5 3SZ.

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:

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.

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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.**