Simon Gladwin
Executive Director (Operations)
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/2022/0433**) which was valid on the 13 May 2022 for permission for **Proposed conversion of outbuildings to dwelling at New Barn Farm Higg Lane Alderwasley**

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 : 10 May 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 following drawings:

   Block Plan
   Received by the Local Planning Authority on 10th May 2023

   Elevations - Drg no 1951 NB 001 REV D
   Ground Floor Plan- Drg no 1951 NB 002A
   First Floor Plan - Drg no 1951 NB 003B
   Received by the Local Planning Authority on 27th April 2023

   Location Plan
   Received by the Local Planning Authority on 12th May 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 development shall be carried out with those materials as annotated on the following plans:

   Elevations, Drg no 1951NB -001 Rev D
   Ground Floor Plan, Drg no 1951 NB 002 Rev A received by the Local Planning Authority on 27th April 2023 and shall not deviate from the following:

   - Natural coursed stone
   - Staffordshire blue tiles
   - Rise and fall brackets
   - Upvc gutters and down pipes (cast iron imitation)
   - Treated timber multi pane windows
   - Conservation style rooflights

   unless further approved in writing by the local Planning Authority

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

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4. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 2008 (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 1995 (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 policy LS3 of the Adopted Amber Valley Borough Local Plan 2006..

5. Before the development hereby permitted is first occupied, the area shown for car parking, manoeuvring and turning on the approved site layout plan shall be laid out and hard surfaced and the car parking spaces shall be delineated as shown on the approved plan. The area shall not thereafter be used for any purpose other than the parking of vehicles.

   Reason: To ensure adequate off-street car parking, in the interests of road safety in accordance with policy TP6 of the Adopted Amber Valley Borough Local Plan 2006.

6. Prior to first occupation of the dwelling, hereby approved, the Biodiversity Net Gain mitigation measures as set out within section 5 of the Ecological Appraisal prepared by Wildlife Consultants Ltd, August 2022, shall be fully implemented and retained in perpetuity unless otherwise agreed and approved in writing by the LPA.

   These shall include at least 1 internal or external bat box and 2 integrated swift bricks or equivalent.

   Confirmation of compliance will be required upon completion of enhancement works with photographs of boxes once installed.

   Reason: To ensure the long-term safeguarding of bats and birds in accordance with Paragraphs 174 and 180 of the NPPF.

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7. Prior to first occupation of the dwelling, hereby approved, the lighting strategy as set out within section 5 of the Ecological Appraisal prepared by Wildlife Consultants Ltd, August 2022, shall be fully implemented and retained in perpetuity unless otherwise agreed and approved in writing by the LPA.

   Reason: To ensure the long term safeguarding of bats and other nocturnal wildlife in accordance with Paragraphs 174 and 180 of the NPPF.

8. Prior to first occupation as a dwelling, new hedgerows and trees shall be planted in accordance with a landscaping scheme to be submitted to, and approved by, the Local Planning Authority. Any trees or parts of the new hedgerows 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 and to help assimilate the new development into its surroundings in accordance with policy LS3 ; of the Adopted Amber Valley Borough Local Plan 2006.

9. The access track shall be laid with crushed limestone unless an alternative material is otherwise agreed in writing by the Local Planning Authority.

   Reason: To ensure the satisfactory appearance of the completed development in accordance with policies LS3 and EN6 of the Adopted Amber Valley Borough Local Plan 2006.

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Notes

Attention is drawn to the attached notes:

1 The developer should seek professional advice if they suspect Asbestos Containing Material (ACM) is present in any building to be demolished or altered. The developer/landowner/ land manager may be liable if they fail to identify and manage any ACM appropriately.

More information regarding ACM can be found on the Health and Safety Executive's web page (www.hse.gov.uk/asbestos).

2 Due to the variable nature of agricultural use, it is theoretically possible that the ground may have become contaminated. Contamination can occur due to fuels, chemicals, or materials stored or used in, or around structures; this includes any nearby 'farm pits'. The applicant
should seek professional advice should contamination be suspected at any stage of the development and inform the Council's Scientific Officer at the earliest opportunity.
The developer should be aware that actions or omissions on their part could lead to liability being incurred, e.g. where development fails to address an existing unacceptable risk or creates such a risk by introducing a new receptor or pathway.

More information regarding land contamination can be found on the Council's Land Pollution web page (www.ambervalley.gov.uk/environment-and-planning/pollution).

3 Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

Current guidance notes and application form from either the website (www.stwater.co.uk) or by contacting Developer Services Team (Tel: 0800 707 6600).

4 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.
Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

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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:

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.**