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/2021/0153**) which was valid on the 1 March 2021 for permission for **Internal alterations to north single storey extension to form new entrance lobby. Two new door openings on the south facing elevation and replacement of existing modern garage door with a window opening to the north. Full re roof of the property. Full repointing of all elevations in non-hydraulic lime mortar, isolated chimney re-building, repair brick copings, replacement like for-like cast-iron guttering and the lowering of encroaching external ground levels at Hall Farm Flagshaw Lane Kirk Langley**

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 development hereby permitted shall be carried out only in accordance with the details and specifications shown on the information and drawings listed below:

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Location and Site Plan drawing no. 206(00)001;
Ground floor layout received by email on 23 May 2022;
First floor layout received by email on 23 May 2022;
Second Floor layout received by email on 23 May 2022;
Roof plan received by email on 23 May 2022;
Basement plan received by email on 23 May 2022;
Elevation 1 received by email on 23 May 2022;
Elevation 2 received by email on 23 May 2022;
Elevation 3 received by email on 23 May 2022; and,
Elevation 4 received by email on 23 May 2022.

Reason: To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application in accordance with policies EN24, EN27 and LS3 of the Adopted Amber Valley Borough Local Plan 2006.

3. Prior to any works commencing on the pointing, the method of the mortar pointing, including a sample, 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 Listed Building in accordance with saved policies LS3, EN24 of the Adopted Amber Valley Borough Local Plan 2006.

4. Prior to any brick work repairs being undertaken, samples of supplementary bricks shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out using only the agreed bricks.

   Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Building in accordance with saved policies LS3 and EN24 of the Adopted Amber Valley Borough Local Plan 2006.

5. Prior to any works taking place to the garden wall, details of any works to the garden wall, shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out only with the agreed details.

   Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Building in accordance with saved policies LS3 and EN24 of the Adopted Amber Valley Borough Local Plan 2006.

6. Prior to the commencement of any works which may affect bats or their habitat, a detailed bat mitigation strategy, based on the measures outlined in sections 4.10 of the

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Bat Survey Report prepared by Protected Species Surveys July 2022 and including the need to obtain a Bat Mitigation Class Licence from Natural England, should be submitted to and approved in writing by the Local Planning Authority. All works should then proceed in accordance with the approved strategy or the conditions of the issued Natural England licence, a copy of which should be submitted to the Local Planning Authority once issued.

Reason: This is a pre-commencement of works condition to ensure the development does not have an adverse impact upon species specifically protected under the schedules of the Wildlife and Countryside Act 1981 in accordance with saved policy EN13 and to improve the biodiversity of the local area.

7. Prior to building works commencing above foundation level, a bird box plan shall be submitted to and approved in writing by the Local Planning Authority to compensate for the impacts of the development. This shall include details of appropriate swallow mitigation to compensate for the loss of nesting provision. Such approved measures shall be implemented in full and maintained thereafter.

Reason: This is a pre-commencement of works condition to ensure the development does not have an adverse impact upon species specifically protected under the schedules of the Wildlife and Countryside Act 1981 in accordance with saved policy EN13 and to improve the biodiversity of the local area.

Notes

Attention is drawn to the attached notes:

1 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is certain that nesting birds are not present.

2 The applicant is advised that swallow cups are designed to be fitted internally within an open-fronted structure, such as a stable, car-port, wood store etc. and not to external walls.

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3 The applicant is advised that no stripping, demolition works or vegetation clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

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;

H12 - Design and amenity considerations
LS3 - Design
EN24 - Listed Buildings
EN27 - Conservation Areas
TP1 - Impact on the Transport Network

In detail:

The development complies with the provisions of the development plan for the locality and raises no unresolved issues in relation to privacy, amenity, sunlight/daylight, character and design, landscape or heritage features and highway safety.

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 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.