Simon Gladwin
Executive Director (Operations)
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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/2023/0016**) which was valid on the 17 January 2023 for permission for **Part demolition and remodelling of existing dwelling including extensions and alterations at Hollyseat Cottage Hollyseat Lane Shottle**

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 : 6 July 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:

   Proposed Site Plan, Drg no:017-22 A003 A
   Proposed Elevations, Drg no:017-22 A202 D
   Both received by the Local Planning Authority on 22nd June 2023

   Alterations Plan, Drg no: 017-22 A204 A
   Typical Window Detail, Drg no: 017-22 A205
   Received by the Local planning Authority on 20th June 2023

   Car Port and Bat Loft -Drg no: 017-22 A106 A
   received by the Local Planning Authority on 10 January 2023

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

3. The facing and roofing materials to be used in the development hereby permitted shall match as closely as possible those used in the construction of the existing building including the re-use of Staffordshire Blue roof tiles and a lime mortar mix for re-pointing.

   The proposed materials and finishes for the extension shall match those as annotated in the drawing;

   Proposed Elevations, Drg no 017-22 A202 D
   received by the Local Planning Authority on 22nd June 2023

   Reason: To ensure the satisfactory appearance of the completed development in accordance with policies LS3 and EN27 of the Adopted Amber Valley Borough Local Plan 2006.

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4. The proposed new windows shall match those on the following approved drawings:

   Typical Window Details - drg no : 017-22 A205 - received by the Local Planning Authority on 20th June 2023
   Proposed Elevations, drg no: A17-22 A202 D - received by the Local Planning Authority on 22nd June 2023

   Reason: To ensure the works are carried out in a way which respects the special appearance and character of the dwelling within the World Heritage Site Buffer Zone in accordance with policies LS3, and EN27 of the Adopted Amber Valley Borough Local Plan 2006.

5. The proposed stone walls shall be erected in natural stone to match that on the site and in a coursing and to a height to be agreed by the Local Planning Authority. Pointing shall be flush or recessed. The walls shall be completed prior to the occupation of the development.

   Reason: To ensure the works are carried out in a way which respects the special appearance and character of the dwelling within the World Heritage Site Buffer Zone in accordance with policies LS3 and EN27 of the Adopted Amber Valley Borough Local Plan 2006.

6. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping which shall include details of the proposed additional trees. All planting, seeding or turfing indicated on the approved landscaping scheme shall be carried out prior to the development being brought into use. 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 and to help assimilate the new development into its surroundings in accordance with policy LS3 of the Adopted Amber Valley Borough Local Plan 2006.

Date : 6 July 2023

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7. 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, B or C of Part 1 of Schedule 2 (erection of extensions, roof alterations) 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 EN27 of the Adopted Amber Valley Borough Local Plan 2006.

8. The bat loft as shown on approved drawing no: 017-22 A106 A and bat hibernation boxes as set out within the Bat and Bird Survey, undertaken by Evolution Ecology Ltd (November 2022) shall be installed on the trees as set out within Figure 12 and justified within section 6.1 of the above report, shall be installed prior to first occupation of the dwelling and shall remain in situ for perpetuity.

   Reason: To ensure continued protection of endangered species in accordance with Policy EN13 of the Adopted Amber Valley Local Plan 2006 and in accordance with Section 15 of the NPPF.

Notes

Attention is drawn to the attached notes:

1 A Public Right of Way runs along the access track and close to the site - Footpath number 29. The route must always remain unobstructed on its legal alignment and the safety of the public using it must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 01629 533190.

2 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.

3 The formal written consent of Severn Trent Water must be obtained for the method of foul water disposal, notwithstanding that planning permission is hereby granted for this development.

Date : 6 July 2023

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4 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:

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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.**