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/2022/0780**) which was valid on the 30 August 2022 for permission for **Demolish side extension to White Cottage and erect a new extension to the rear at White Cottage Duffield Bank Duffield**

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 amended drawings 812.1311.2-(08)005 Rev D, 812.1311.2-(08)004 Rev C and 812.1311.2-(08)003 Rev C received on 13.06.2023.

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

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3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details and/or samples of the materials and finishes to be used for the external elevations and roof of the proposal, and the development shall be carried out with those materials.

   Reason: To ensure the satisfactory appearance of the completed development in accordance with policies LS3 and EN24 of the Adopted Amber Valley Borough Local Plan 2006.

4. Access gates, if any, shall be positioned at least 5.5 metres from the highway boundary and shall be so constructed that they open only into the application site.

   Reason: to enable a vehicle to wait off the highway while the gates are being opened, in the interests of road safety in accordance with policy TP1of the Adopted Amber Valley Borough Local Plan 2006.

5. Notwithstanding the submitted drawings, the existing historic lintels and cills to the original front wall of the White Cottage which remain in-situ shall be fully retained. Measured drawings of the proposed front elevation to the existing White Cottage shall be submitted to and approved in writing by the Local Planning Authority, showing at a scale of 1:50 all existing and proposed lintels and cills, areas of existing and new masonry, all coursing of new masonry, stone eaves details, all new windows and doors. This shall be based on a measured survey of the existing internal elevation. The development shall accord with the approved 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 policies LS3, and EN24 of the Adopted Amber Valley Borough Local Plan 2006.

6. Notwithstanding the submitted drawings, the existing stone coped gables shall be retained in-situ and shall not be altered without the prior written approval of the Local Planning Authority.

   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 policies LS3, and EN24 of the Adopted Amber Valley Borough Local Plan 2006.

7. Notwithstanding the submitted drawings, none of the chimneys to the existing dwelling shall be demolished unless otherwise approved by the Local Planning Authority. Full details of the repair of each chimney shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of the oversailing courses and

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clay chimney pots. The development shall be carried out in accordance to the approved drawings.

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 policies LS3, and EN24 of the Adopted Amber Valley Borough Local Plan 2006.

8. Notwithstanding the submitted drawings, the existing cast-iron gutter brackets to the existing building shall be retained and made up with new gutter brackets to match. All rainwater goods to the existing building shall be cast-iron, painted black.

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 policies LS3, and EN24 of the Adopted Amber Valley Borough Local Plan 2006.

9. Details of cleaning of the existing masonry, including a Method Statement for the removal of paint, shall be submitted to and approved in writing by the Local Planning Authority prior to undertaking. A sample trial panel of cleaning shall then be provided for the written approval of the Local Planning Authority. The development shall accord with the approved 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 policies LS3, and EN24 of the Adopted Amber Valley Borough Local Plan 2006.

10. Notwithstanding the submitted drawings, prior to installation full details of all new windows to the existing building, including sections through the frame and the finish, shall be submitted to and approved in writing by the Local Planning Authority. All new windows and doors to White Cottage shall be painted timber, unless otherwise agreed in writing.

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 policies LS3, and EN24 of the Adopted Amber Valley Borough Local Plan 2006.

11. Notwithstanding the submitted drawings, the new windows shall be set within a reveal of 100mm, unless otherwise agreed in writing with the Local Planning Authority.

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 policies LS3, and EN24 of the Adopted Amber Valley Borough Local Plan 2006.

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12. A sample of the replacement Staffordshire blue clay tiles to the existing cottage shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The development shall accord with the approved material.

    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 policies LS3, and EN24 of the Adopted Amber Valley Borough Local Plan 2006.

13. A sample of the new stone for the front elevation of the White Cottage shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The development shall accord with the approved material.

    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 policies LS3, and EN24 of the Adopted Amber Valley Borough Local Plan 2006.

14. Following cleaning of paint from masonry, a 1-metre square sample panel of pointing shall be prepared and approved in writing by the Local Planning Authority. The development shall accord with the approved sample panel.

    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 policies LS3, and EN24 of the Adopted Amber Valley Borough Local Plan 2006.

15. Precise details of solar panels including the location of the solar panels shall be submitted and agreed in writing with the Local Planning Authority prior to installation. The development shall accord with the approved 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 policies LS3, and EN24 of the Adopted Amber Valley Borough Local Plan 2006.

16. Notwithstanding the submitted drawings, the precise wood and finish of the timber cladding shall be submitted to and agreed in writing by the Local Planning Authority. The development shall accord with the approved 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 policies LS3, and EN24 of the Adopted Amber Valley Borough Local Plan 2006.

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17. A full-size horizontal section through the new recessed panel windows to the new building and details of the materials shall be submitted to and approved in writing by the Local Planning Authority prior to construction. The development shall accord with the approved 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 policies LS3, and EN24 of the Adopted Amber Valley Borough Local Plan 2006.

18. A sample panel of the new stonework shall be submitted to and approved in writing by the Local Planning Authority. The development shall accord with the approved 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 policies LS3, and EN24 of the Adopted Amber Valley Borough Local Plan 2006.

19. A full-size vertical section through the junction of the sedum roof and the timber cladding at the wall head to the new building shall be submitted to and approved in writing by the Local Planning Authority prior to construction. The development shall accord with the approved 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 policies LS3, and EN24 of the Adopted Amber Valley Borough Local Plan 2006.

Notes

Attention is drawn to the attached notes:

1 Pursuant to Section 184 of the highways Act 1980 before any works commence in highway on the proposed modified access, prior notice shall be given to the Highway Authority email Highways.hub@derbyshire.gov.uk

2 Should the demolition works require temporary traffic management, hoarding or scaffolding to be placed on the highway, consent will be required from the Highway Authority email Highways.hub@derbyshire.gov.uk

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

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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
EN2 - Green Belt
EN24 - Listed Buildings
EN29 - Derwent Valley Mills World Heritage Site
TP1 - Impact on the Transport Network
TP6 - Parking

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 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 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.