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/2023/0158**) which was valid on the 14 March 2023 for permission for **Conversion of an agricultural barn (including construction of new walls) for use as a dog day care facility, and change of use of agricultural field for use as dog exercise area at Park Farm Aldercar Lane Langley Mill**

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. This permission is valid for a limited period only, expiring on 31st December 2024. On or before that date the use hereby approved shall cease and the site be reinstated to its existing use unless a further planning application has been submitted to and approved by the Local Planning Authority.

   Reason: The use hereby approved is considered acceptable on a temporary basis, to allow the impacts of it on the local area to be assessed.

Date : 19 October 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 drawing:
Existing and Proposed Floor Layouts, Elevations and Site Block Plan, Drg No: PG/CY/2018/054/01A

   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 EN2 of the Adopted Amber Valley Borough Local Plan 2006.

3. The premises and land shall be used for activities relating to a dog dare care facility and associated dog exercise area and for no other purpose.

   Reason: For the avoidance of doubt

4. The use hereby permitted shall be carried out within the application site only between the following times:

   Monday - Saturday (inc) 07:00-19:00
   Sundays and Public Holidays 09:00-17:00

   There shall be no more than 20 dogs on the premises at any one time.

   Reason: in the interests of residential amenity and in accordance with Policy EN16 of the adopted Amber Valley Local Plan and Paragraph 130 (f) of the NPPF.

5. 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 comprising concrete block work and hit and miss larch cladding, as specified within the application form.

   Reason: To ensure the satisfactory appearance of the completed development in accordance with policies LS3 and EN2 of the Adopted Amber Valley Borough Local Plan 2006.

6. The facility shall be operated at all times in accordance with the noise management measures described in the 'Supporting Statement' (ref: PG/CY/2018/054, Gaughan Design, 20 February 2023).

   Reason: In the interests of residential amenity and to comply with Policies EN16 of the Amber Valley Local Plan 2006 and Paragraph 130 of the NPPF.

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7. No permanent external lighting shall be installed unless full details of its design, location, illuminance levels, orientation and operating times have first been agreed with the Local Planning Authority. All works shall be fully implemented in accordance with the approved scheme before use commences.

   Reason: In the interests of amenity and to comply with policy EN18 of the Amber Valley Local plan and paragraph 185 of the NPPF.

8. Prior to the proposal being taken into use parking shall be provided within the site curtilage in accordance with plans to be submitted to and approved in writing by the Local Planning Authority. Once approved the spaces shall be provided and maintained throughout the life of the development free from any impediment to its designated use.

   Reason: In the interests of highway safety in accordance with Policy TP1 of the Amber Valley Local Plan 2006 and Paragraph110 (b) of the NPPF.

Notes
Attention is drawn to the attached notes:

1 The applicant must therefore be able to demonstrate that the permitted activity has taken place for a significant consecutive period during the 12 months prior to making a subsequent application.

2 The application site is affected by a Public Right of Way (Footpath 31 Aldercar/Langley Mill on the Derbyshire Definitive Map). The route must remain unobstructed on its legal alignment at all times 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.

3 The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.
Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

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4 The applicant is advised to erect signs close to the boundary to inform walkers using the Public right of Way of the use of the field as a dog exercising area.

5 Appropriate facilities shall be provided for the proper reception, storage and disposal of all waste materials arising from the operation of the business to minimise nuisance odour and vermin. Any faecal waste shall be double bagged and stored in a sealed container .

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, 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.**