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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/2022/0309**) which was valid on the 7 April 2022 for permission for **Change of use of land for private equestrian use, the erection of a stable building and the formation of a new vehicular access (part Retrospective) at Highfield House Bullock Lane Ironville**

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 shall be deemed to have taken effect on 2nd November 2023

   Reason: To comply with Section 91 of the Town & Country Planning act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004

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2. The development shall be carried out in accordance with the details contained in the submitted plans (and documents) listed below and any conditions attached to the permission:

   Site location plan - drawing number 3655-001 Rev A - received on 6th April 2022

   - Proposed elevations, roof plan and floor plan - drawing number Revision 0 -received on 6th April 2022
   - Site plan as proposed option 2 - drawing number 3655-004 Rev G - received on 20th June 2022
   - Proposed Landscaping plan - drawing 3655-007 Rev A - received on 5th September 2022
   - Terram Geocell - specification, design and installation guidance - received on 5th September 2022
   - Terram Geotextile detail - received on 5th September 2022
   - Proposed visibility splay - drawing number 355-006 Rev B - received on 3rd October 2022

   Reason: In order to define the permission.

3. No development of the stable building (including foundations) shall commence until;

   a) A scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity;

   and

   b) Any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

   The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

   Reason: The undertaking of intrusive site investigations, prior to the commencement of such development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

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4. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

   Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

5. The hereby approved development including field for equestrian use, stable building, vehicular access and track shall be private and ancillary to Highfield House, Bullock Lane, Ironville, Derbyshire NE16 5NP and no business or commercial enterprise shall be undertaken therefrom.

   Reason: In the interests of highway safety and residential amenity, as required by policies EN16 and TP1 of the Amber Valley Borough Local Plan 2006.

6. The stable building is to be constructed using a Horizontal Shiplap Cladding for the elevations and a Black Onduvilla tile roof as set out within the application form, unless otherwise approved by the Local Planning Authority.

   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.

7. Before any other operations are commenced a new vehicular access shall be created to Bullock Lane in accordance with the application drawings, laid out, constructed and provided with 2.4m x 94m visibility splays in both directions, the area in advance of the sightlines being maintained throughout the life of the development clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

   Reason: In the interests of highway safety in accordance with Saved Policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

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8. There shall be no gates or other barriers within 10m of the nearside highway boundary and any gates shall open inwards only.

   Reason: In the interests of highway safety in accordance with Saved Policy TP1 of the Amber Valley Borough Local Plan 2006.

9. Notwithstanding the approved landscaping plan drawing no: 3655 - 007 Rev A received 5th September 2022, the following planting schedule should be adhered to unless otherwise agreed in writing by the Local Planning Authority:

   Hedgerow planting and planting to retain the bank area into the woodland, is required to be planted as per the Derbyshire Wildlife Trust Habitat Creation Guide for the Coal Measures area of Derbyshire.

   The replacement hedgerow shall comprise at least 4 species made up in the following percentages:

   70-75% of hedge: should comprise the following species:
   Prunus spinosa Blackthorn
   Crataegus monogyna Hawthorn

   25-30% of hedge should comprise at least two of these species:
   Ilex aquifolium Holly
   Corylus avellana Hazel
   Acer campestre Field maple
   Frangula alnus Alder buckthorn
   Rosa canina Dog rose
   Viburnum opulus Guelder rose

   The replacement hedgerow shall be planted at the ratio of 6 plants per metre in staggered rows. Any plants that die or are damaged within 5 years of planting should be replaced within the first available planting season.

   The access road shall be constructed with TERRAM Geocells cellular confinement system as per the specification, design and installation guide received on 5th September 2022.

   Reason: In the interests of biodiversity and visual amenity in accordance with Saved Policies LS3 and EN8 of the Adopted Amber Valley Local Plan 2006 and Paragraphs 130 and 174 of the NPPF.

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Notes
Attention is drawn to the attached notes:

1 1. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department - Place at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website

https://www.derbyshire.gov.uk/transport-roads/roads-traffic/licencesenforcements/vehicular-access/vehicle-accesses-crossovers-and-dropped-kerbs.aspx

E-mail highways.hub@derbyshire.gov.uk or

Telephone Call Derbyshire on 01629 533190.

2. The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.

3. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.

4. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

2 The application site lies in an area where a potential ground gas source has been identified. The applicant is advised to include gas protection measures within the development to address the potential risks

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3 The applicant is advised to ensure that imported materials for use in the construction of the track are suitable for use (for example clean virgin aggregate or clean inert recycled material conforming to BS EN13242) in order to prevent the introduction of a source of contamination.

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:

LS1 - Sustainability criteria
LS3 - Design
TP1 - Impact on the Transport Network
TP6 - Parking
EN2 - Green Belt
EN8 - Landscape Features
EN16 - Pollution
EN18 - Derelict, Unstable And Contaminated Land
LC14 - Horse Riding Facilities

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.