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/2023/0094**) which was valid on the 14 February 2023 for permission for **Conversion of existing former farm buildings to 2 no. dwellings at Scarsdale House Farm Loscoe Denby Lane Loscoe**

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.

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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 plans;
Proposed Elevations, Floor Plan and Roof Plan (Plot 1) Drg no: 02a
Proposed Elevations, Floor Plan and Roof Plan (Plot 2) Drg no:06
Visibility Splay (un-numbered)
received on 6th February 2023
Block Plan (inc site and location plans) Drg no: 05B
received on 13th February 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, EN2 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

3. The materials and finishes to be used for the external elevations, windows and roof of the hereby approved development, shall comprise only of those materials as listed within the application form. unless otherwise approved, in writing by the Local planning Authority. The rooflights shall be of a Conservation style.

   Reason: To ensure the satisfactory appearance of the completed development in accordance with policies LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

4. No above ground shall take place until a scheme of hard and soft landscaping works including boundary treatments, including an implementation scheme, has been submitted and approved in writing by the Local Planning Authority. The scheme shall be carried out in full accordance with the approved scheme. The soft landscaping shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed or seriously diseased shall be replaced by trees or shrubs of similar size and species to those originally planted.

   Reason: To ensure that the development has a satisfactory external appearance in accordance with Policy LS3 of the Adopted Amber Valley Local Plan 2006 and Paragraph 130 of the NPPF.

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5. The buildings, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the application drawings for the parking and manoeuvring of residents' vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

   Reason: In the interests of the safety of the users of the access and public highway safety in general in accordance with saved policies H12, TP1 and TP6 of the Adopted Amber Valley Borough Local Plan 2006 and Paragraph 110(b) of the NPPF.

6. The Biodiversity Mitigation and Enhancement Plan included in Appendix 1 Figure 5 of the Ecological Impact Assessment (Eyebright Ecology July 2023), should be implemented in full with photographs of the nest boxes in situ in order to confirm completion of the enhancement works. The Method Statement for site clearance as proposed within Appendix 6 of the Report shall be implemented including all of the reasonable avoidance measures as stipulated.

   Reason: In the interests of biodiversity in accordance with Policy EN13 of the Adopted Amber Valley Local plan and Paragraph 180(d) of the NPPF.

7. There shall be no gates or other barriers within 5m of the nearside highway boundary and any gates shall open inwards only.

   Reason: In the interests of highway safety in accordance with Policy TP1 of the Adopted Amber Valley Local Plan 2006 and Paragraph 110(b) of the NPPF.

8. Before any other operations are commenced, the existing access to Loscoe Denby Lane shall be modified in accordance with the application drawings, laid out, constructed and provided with 2m x 43m visibility splays in both directions, the area in advance of the sightlines being maintained clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.

   Reason: In the interests of highway safety in accordance with Policy TP1 of the Adopted Amber Valley local plan 2006 and paragraph 110 (b) of the NPPF.

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9. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that Order) no development relating to Class A, B, C, D or E of Part 1 of Schedule 2 (erection of extensions; alterations to the roof; buildings incidental to the enjoyment of the dwelling house; the insertion, enlargement, improvement or replacement of windows or doors; erection or construction of a porch) or the provision of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that Order) no development relating to Class A of Part 2 of Schedule 2 (erection of walls, fences, enclosures) 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 policy LS3 and EN2 of the Adopted Amber Valley Borough Local Plan 2006.

Notes

Attention is drawn to the attached notes:

1 The conversion of the buildings 4, 5 and 6 (as defined by the EIA July 2023) shall not take place until an appropriate bat licence has been obtained. Upon receipt of a licence from Natural England, works shall proceed strictly in accordance with the approved mitigation, which should be based on the proposed measures outlined in sections 7.4 Table 8 of the Ecological Impact Assessment prepared by Eyebright Ecology July 2023 and amended as necessary based on any correspondence with Natural England. Such approved mitigation will be implemented in full in accordance with a timetable of works included within the licence and followed thereafter. A copy of the licence / confirmation of registration should be provided to the Derbyshire Wildlife Trust with a copy of the results of any subsequent monitoring works .

2 The buildings and vegetation within the site offer suitable habitat and nesting features which may be used by breeding birds and several old bird nests were noted within the buildings. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (as amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. There should be no removal of buildings, trees, hedgerows or scrub undertaken between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the work is commenced. If any active nests are discovered, then these should be left undisturbed until the birds have fledged with an appropriate buffer surrounding the nest.

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3 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 and would not be suitable.

4 The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites.
Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place.
It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is submitted alongside any subsequent application for Building Regulations approval.
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.
If any coal mining feature is unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0800 288 4242.

Further information is available on the Coal Authority website.

5 Due to the variable nature of agricultural use it is theoretically possible that the ground may have become contaminated. Contamination can occur due to fuels, chemicals, or materials stored or used in, or around structures; this includes any nearby 'farm pits'. The applicant should seek professional advice should contamination be suspected at any stage of the development, and inform the Council's Scientific
Officer at the earliest opportunity.
The developer should be aware that actions or omissions on their part could lead to liability being incurred, e.g. where development fails to address an existing unacceptable risk or creates such a risk by introducing a new receptor or pathway.
More information regarding land contamination can be found on the Councils Land Pollution web pages.

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6 The developer should seek professional advice if they suspect Asbestos Containing Material (ACM) is present on any building to be demolished or altered. The developer/land owner/ land manager may be liable if they fail to identify and manage any ACM appropriately.
More information regarding ACM can be found on the Health and Safety Executives web page

7 The National Planning Policy Framework places the responsibility of securing a safe development on the landowner/developer, therefore it may be prudent for the applicant to consider the inclusion of basic ground gas precautions.

8 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

9 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.

10 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.

11 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.

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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.**