S Gladwin
Chief Executive
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/2020/0705**) which was valid on the 19 August 2020 for permission for **Erection of single storey agricultural building at Highfields Belper Lane End Belper**

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 : 8 February 2024

Signed

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2. The development hereby permitted shall be carried out only in accordance with the details and specifications shown on the amended drawing:

   Plans and Location Plan, 2020-647-01J
   Site plan and floor plan, 2020-647-02G
   Both received on 22nd January 2024

   Elevations 2020-647-03D
   received on 4th January 2024

   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 EN29 of the Adopted Amber Valley Borough Local Plan 2006.

3. The development hereby permitted, shall be constructed using the materials and finishes as specified on drawing no 2020-647-03D received by the Local Planning Authority on 4th January 2024 comprising the following;

   Grey profile metal sheet roof
   Elevations clad with Yorkshire Boarding above a concrete plinth

   Reason: To ensure the satisfactory appearance of the completed development in accordance with policies LS3 and EN29 of the Adopted Amber Valley Borough Local Plan 2006 and paragraphs 131 and 135 (a,b & c) of the NPPF (2023).

4. No development shall commence until;
   a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past 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: This is a pre-commencement of development condition necessary in order to ensure that the site is made safe and stable for the development proposed in accordance with Policy EN18 of the Adopted Amber Valley Borough Local Plan 2006.

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5. 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: To ensure that the site is free from unacceptable levels of ground gas in accordance with Policy EN18 of the Adopted Amber Valley Borough Local Plan 2006

6. Within 3 months of the permission hereby granted, the caravans, structures and chattels as shown on the approved plan 2020-647-02J and confirmed in an email dated 16th January 2024 shall be removed for the site and the area landscaped with a scheme to be submitted and agreed in writing by the Local Planning Authority.

   Reason: in the interests of visual amenity and to protect the character and appearance of the Derwent Valley world Heritage Site in accordance with Policy EN29 of the Adopted Amber Valley Local Plan 2006 and paragraph 212 of the NPPF (2023).

7. The access gates, as annotated on the approved drawing no 2020-647-01J received by the local Planning Authority on 22nd January 2024 shall be positioned at least 12 metres from the highway boundary.

   Reason: to enable agricultural vehicles to wait off the highway while the gates are being opened, in the interests of road safety in accordance with policy TP1; of the Adopted Amber Valley Borough Local Plan 2006 and Paragraph 114(b) of the NPPf (2023).

8. Visibility splays as annotated on the hereby approved plan- Site layout -drawing no 2020-647-01J received by the local Planning Authority on 22nd January 2024 shall comprise north bound visibility of 2.4 metres x 48 metres and south bound visibility of 2.4 metres x 30 metres. The area in advance of the splay(s) shall be cleared of all obstructions (unless otherwise indicated or agreed) exceeding 1.05 metres above the level of the adjoining carriageway channel. The splay(s) shall be so formed prior to the development being brought into use and thereafter maintained as such in perpetuity.

   Reason: In order to maintain an acceptable standard of visibility for the access in the interests of road traffic safety in accordance with policy TP1 of the Adopted Amber Valley Borough Local Plan 2006 and Paragraph 114(b) of the NPPF (2023)

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9. Prior to the commencement of any above ground development, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. Approved measures shall be implemented in full and maintained thereafter. The Plan shall clearly show;
a) the location and composition (species mix) of grassland to be created including methods
and subsequent management as per the amended access plan (2020-647-01J July 2020).
b) Location and type of one bird nest box

Reason: In the interests of biodiversity in accordance with Policy EN13 of the Adopted Amber Valley Local plan and Paragraph 186(d) of the NPPF (2023)

Notes

Attention is drawn to the attached notes:

1 If any works are required to the trees for access or further development works the Local Planning Authority should be contacted prior to any works are undertaken. Furthermore all exclusion zones should be adhered to throughout the development.

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 Nesting birds and bats, their roosts and access to their roosts are protected under the Wildlife and Countryside Act 1981 and the Conservation (Natural Habitat etc) Regulation 1994. It is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence.

4 Due to the presence of foraging habitat nearby demolition works should proceed with caution and vigilance for unexpected bat presence. If bats are subsequently discovered, work should cease, and further advice be sought from a suitably qualified ecologist or organisation without delay.

Date : 8 February 2024 Signed

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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:

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.**