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Chief Executive
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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/2022/0561**) which was valid on the 22 June 2022 for permission for **Change of Use of an Agricultural Building to a Dwelling House at Yew Tree Farm Firestone Hazelwood.**

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 shall be carried out in accordance with the details contained in the submitted plans listed below and with the conditions attached to this consent:

   Location plan - Drg. No. FW 565 D06
   Block Plan - Drg. No. FW 565 D05, Rev. A
   Floor Plans and Elevations - Drg. No. 565 D04, Rev. B
   Preliminary Roost Assessment, prepared The Bat Survey, dated January 2022
   Bat Survey, prepared by Astute Ecology, dated June 2023

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Reason: In order to define the permission.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no development contained within the classes listed below shall be carried out without the prior written approval of the Local Planning Authority:

Schedule 2, Part 1, Class
A - enlargement, improvement or other alteration
B - additions etc to the roof
C - any other alterations to the roof
D - porches
E - buildings etc incidental to the enjoyment of the dwellinghouse
F - hard surface incidental to the enjoyment of the dwellinghouse
G - chimney, flues etc
H - microwave antenna

Schedule 2, Part 2, Class
A - gates, fences, walls etc
C - painting of exterior

Reason: To protect the character and visual amenities of the locality in accordance with policies EN1, LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

4. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any other subsequent equivalent Orders, no windows or doors (other than those approved by this permission) shall be inserted on the south facing elevation of the dwelling hereby permitted without the prior written approval of the Local Planning Authority.

Reason: To safeguard the character and appearance of the building, their surrounding and wider landscape, in accordance with saved policy LS3, EN7 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

5. Notwithstanding any submitted plans and information, no development shall commence until full details of the following have been submitted to and approved in writing by the Local Planning Authority:
a) Rainwater goods, including their materials and design;
b) Colour, design and materials of exterior fenestration, doors and door frames;

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c) Hard landscaping works to include vehicular and pedestrian access and circulation areas, hard surface materials and structures such as refuse or other storage units, lighting and patio.
The development shall thereafter be implemented in accordance with the approved details before the development is first brought into use and retained as such for the lifetime of the development.

Reason: To ensure the satisfactory appearance of the completed development in accordance with policies EN1, LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

6. No work shall commence until full details of the boundary treatment indicating positions, design, materials and type of the boundary treatment, to enclose the curtilage of the dwelling hereby permitted have been submitted to and approved by the Local Planning Authority. Any approved boundary treatment details shall be implemented fully in accordance with the approved details prior to occupation of the development.

   Reason: To ensure both the satisfactory appearance of the completed development and an adequate level of amenity for the proposed dwellings in accordance with policy EN1, LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

7. The development hereby permitted shall only be carried out in full accordance with the precautionary measures for avoidance of harm to bats listed in Section 5 of the approved Bat Survey Report, prepared by Astute Ecology dated June 2023. These measures shall include:
   (i) No works to take place to the external stone work (south facing elevation) of the building to take place without further surveys and potentially a mitigation licence in place;
   (ii) In the event, any evidence of a bat roost is found, works must cease which the advice of Natural England or a suitably qualified and licensed bat ecologist is sought, for alternative mitigation to be provided;
   (iii) External lighting designed to avoid light spell on bat boxes and their commuting areas.

   Reason: In order to ensure that the development does not have a detrimental impact on protected species or matters of biodiversity importance in accordance with saved policy EN13 of the Adopted Amber Valley Borough Local Plan 2006.

8. Prior to the development hereby permitted being brought into use, details including photographic images of the roosting boxes and a plan indicating their siting, of 2 multi chamber roosting boxes to be installed on the south facing elevation of the building

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and on a nearby stable building under an overhanging roof shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the roosting boxes shall be retained as approved for the lifetime of the development.

Reason: In order to ensure that the development does not have a detrimental impact on protected species or matters of biodiversity importance and that appropriate enhancement measures are provided in accordance with saved policy EN13 of the Adopted Amber Valley Borough Local Plan.

9. The development hereby submitted shall not be brought into use until parking and turning areas have been provided in accordance with the approved drawing titled Block Plan - Drg. No. FW 565 D05, Rev. A and shall thereafter be retained as such for the lifetime of the development.

Reason: in the interest of safety and convenience of users of the highway and satisfactory visual appearance, in accordance with saved policies TP1 and TP6 of the Adopted Amber Valley Borough Local Plan.

Notes

Attention is drawn to the attached notes:

1 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 page:

www.ambervalley.gov.uk/environment-and-planning/pollution

2 The applicant 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 www.hse.gov.uk/asbestos

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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 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 highway safety.

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.

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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.