S Gladwin
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/2022/0324**) which was valid on the 10 May 2022 for permission for **Conversion of barn to holiday accommodation and part demolition of existing agricultural buildings at Fishponds Farm Belper Road Alderwasley**

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 : 12 March 2024

Signed

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

   Block Plan, drg no: SSW/FFA/4B
   Proposed Plans, Drg no SSW/FFA/3
   received on 8th April 2022

   Elevations and Section, Drg no: SSW/FFA5
   received on 26th April 2022

   Reason: To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application in accordance with policy LS3 of the Adopted Amber Valley Borough Local Plan 2006.

3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details and/or samples of the materials and finishes to be used for the external elevations, windows and roof of the proposal, and the development shall be carried out with those materials.

   Reason: To ensure the satisfactory appearance of the completed development in accordance with policies LS3 and ER12 of the Adopted Amber Valley Borough Local Plan 2006.

4. No development shall take place until a Written Scheme of Investigation for historic building recording and watching brief has been submitted to and approved by the local planning authority in writing, until all pre-start on-site elements of the approved scheme have been completed to the written satisfaction of the local planning authority, and until the provision to be made for analysis, reporting, publication and dissemination of the results and archive deposition has been secured. The Written Scheme of Investigation shall include an assessment of significance and research questions; and
   1. The programme and methodology of site investigation and recording
   2. The programme and provision for post-investigation analysis and reporting
   3. Provision to be made for publication and dissemination of the analysis and records of the site investigation
   4. Provision to be made for archive deposition of the analysis and records of the site investigation
   5. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

Date : 12 March 2024

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Reason: To protect the special character and architectural interest and integrity of the building in accordance with Policy EN31 of the Adopted Amber Valley Local Plan 2006 and Paragraphs 209 and 211 of the NPPF (2023)

5. Before any works begin on the existing windows /doors and /or other openings, precise details, including details of joinery in section, on plans of no less than 1:20 showing the full extent of alteration works shall be submitted and approved by the Local Planning Authority in writing before installation.

   Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Building/Conservation Area in accordance with policies LS3 and EN31 of the Adopted Amber Valley Borough Local Plan 2006 and Paragraphs 209 and 211 of the NPPF (2023).

6. Prior to commencement of development, details showing the location and provision of all services, including the location of soil and vent pipes shall be agreed with the Local Planning Authority in writing. The approved works shall be installed/carried out in accordance with the approved details.

   Reason: To ensure the works are carried out in a way which respects the special appearance and character of the non-designated Heritage Asset in accordance with policies LS3 and EN31 of the Adopted Amber Valley Borough Local Plan 2006 and Paragraphs 209 and 211 of the NPPF (2023).

7. Rainwater goods (gutters, downpipes, hoppers and soil pipes) shall be in cast metal with gutters fixed on rise and fall brackets unless otherwise agreed in writing by the Local Planning Authority, and once installed shall remain so in perpetuity.

   Reason: To protect the special character and architectural interest and integrity of the building in accordance with Policy EN31 of the Adopted Amber Valley Borough Council 2006 and Paragraph 209 and 211 of the NPPF (2023).

8. Prior to commencement of works to the existing timber floors, a full schedule of repairs to these floors, shall be submitted and agreed in writing, by the Local Planning Authority. Works to the floors shall then only be undertaken in accordance with the approved schedule.

   Reason: To protect the special character and architectural interest and integrity of the non-designated heritage asset in accordance with Policy EN31 of the Adopted Amber Valley Local Plan 2006 and Paragraphs 209 and 211 of the NPPF (2023).

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9. The holiday accommodation hereby permitted, shall not be occupied until space has been laid out within the site in accordance with drawing ref: SSW/FFA/4B for 2 cars to be parked and a turning area for vehicles to turn so that they may enter and leave the site in forward gear.

   Reason: To ensure the provision of adequate servicing facilities in accordance with Policies TP1 and TP6 of the Adopted Amber Valley Borough Local Plan 2006 and Paragraph 114(b) of the NPPF (2023).

10. The unit hereby approved shall be used as holiday accommodation only, and shall not be occupied as permanent residential accommodation independent of the tourism industry. The unit shall not be occupied continuously by any person for a period exceeding 21 days in any calendar year.

    Reason: This accommodation is only acceptable having regard to the Local Planning Authority's policies for tourism and the protection of the countryside. By its location, design and level of amenity provision it would not normally be acceptable for permanent residential use in accordance with policy ER12 of the Adopted Amber Valley Borough Local Plan 2006.

11. No development work to the barn shall commence until a scheme for the provision of suitable alternative nesting sites for swallows along with a timetable for the implementation of such measures, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

    Reason: In the interests of ecology and biodiversity in accordance with Policy EN13 of the Adopted Amber Valley local Plan 2006.

Date : 12 March 2024

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Note
Attention is drawn to the attached notes:

1 Development Low Risk Area - Standing Advice

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

2 The developer should seek professional advice if they suspect Asbestos Containing Material (ACM) is present in any building to be demolished or altered. The developer/landowner/ 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 Executive's web page (www.hse.gov.uk/asbestos).

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 Council's Land Pollution web page (www.ambervalley.gov.uk/environment-and-planning/pollution).

3 Prior to the commencement of the development the building should be inspected for any evidence of bats in accordance with the recommendations in section 4 the Bat Activity Survey prepared by C.B.E Consulting September 2022.

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4 The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to this decision. Failure to do so could result in LEGAL action being taken by the Amber Valley Borough Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not hesitate to contact the Development Control Section of the Authority on 01773 570222.

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.**