S Gladwin
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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/2022/0685**) which was valid on the 2 August 2022 for permission for **Variation of condition 3 of AVA/2019/1102 to allow restricted opening of upstairs east-facing bathroom and bedroom windows at Land Adjacent Market House Market Place Crich.**

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 shall be carried out in accordance with the details contained in the submitted plans (and documents) listed below:

   Site Location Plan, Block Plan and Elevations - Drawing Number A.02 Rev A.2
   Elevations - Drawing number A.03 Rev A.2 and number A.02 (received 05.02.2021 approved as part of application ref. No. AVA/2021/0133)
   First Floor and Loft Space - Drawing No. A.07, R.4, dated 26/04/21.
   Amended Layout Plan with Floor Plans - Drawing Number A.01 Rev. A.2

   Reason: In order to define the permission.

2. The first floor east facing bathroom and secondary bedroom windows shall be glazed in highly obscured (non-see through) glass and be non-opening unless fixed restrictors are used to allow no more than 95mm maximum opening to the right hand side when

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viewed from the outside of the property. The windows shall only be hinged from the left when viewed from the outside. Such work shall be completed within 2 months from the date of this planning permission and maintained as such thereafter.

Reason: To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with policies H12 and LS3 of the Adopted Amber Valley Borough Local Plan 2006.

3. The boundary treatment of the site shall be retained in accordance with the approved details.

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

4. Any trees or plants shall be planted in accordance with the approved landscaping scheme in the first planting season and any trees/plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

   Reason: To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings in accordance with policy H12 of the Adopted Amber Valley Borough Local Plan 2006.

5. The materials and finishes used for the external elevations and roof of the dwelling shall be retained in accordance with the approved details.
   Reason: To ensure the satisfactory appearance of the completed development in accordance with the Adopted Amber Valley Borough Local Plan 2006.

6. All windows and doors shall be retained in timber and shall be painted, not stained. All glazing shall be plain and not coloured, patterned or leaded and shall be retained in accordance with the approved scheme.

   Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Conservation Area in accordance with policies LS3, H12 and EN27 of the Adopted Amber Valley Borough Local Plan 2006.

7. The windows shall be recessed 75mm from the face of the wall.

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Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Conservation Area in accordance with policies LS3, H12 and EN27 of the Adopted Amber Valley Borough Local Plan 2006.

8. The rainwater goods shall be cast iron and not plastic.

   Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Conservation Area in accordance with policies LS3, H12 and EN27 of the Adopted Amber Valley Borough Local Plan 2006.

9. 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 relating to Class A, B, C, D, E of Part 1 of Schedule 2 shall be undertaken without the prior written approval of the Local Planning Authority.

   Reason: To protect the character and visual amenities of the locality and conservation area in accordance with policies LS3, H12 and EN27 of the Adopted Amber Valley Borough Local Plan 2006.

10. A new vehicular access shall be maintained in accordance with the drawing A.01 Rev A.2, finished in a hard bound material and provided with visibility sightlines extending from a point 2.4m from the carriageway edge, measured along the centre line of the access, to the extremities of the site frontage abutting the highway in each direction. The land in advance of the sightlines shall be maintained in perpetuity 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, as required by Policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

11. In accordance with the drawing A.01 Rev A.2 the parking and manoeuvring of residents' vehicles shall be laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated parking use.

    Reason: In the interests of highway safety, as required by Policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

Notes

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Attention is drawn to the attached notes:

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 heritage features and highway safety.

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
LS3 - Design - Amber Valley Borough Local Plan
H3 - Housing development within settlements
H12 - Housing design and amenity considerations

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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.