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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/2018/0675**) which was valid on the 23 July 2018 for permission for **Application for a permanent yard, access, the erection of 3 timber agricultural buildings, the installation of a water filtration plant, sewage treatment tank, and PV panels on the roof of one of the agricultural buildings, the erection of 5 timber field shelters and the removal of the existing yard, containers and sheds and re-instatement of the land to grass at Langcross Farm Palerow Lane Shottle**

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. By 31st May 2019 the existing agricultural yard as shown on drawing number AA1 and associated hard standing, shall be dug up and the land reinstated to its former condition by seeding of greenfield agricultural land.

Reason: In the interests of securing a more appropriate location for the yard within the countryside, in accordance with policy EN1 of the Amber Valley Borough Local Plan 2006.

2. By 31st May 2019 the existing steel storage containers and wooden domestic sheds shall be removed from the site.

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Signed

A handwritten signature in black ink, appearing to read 'Julian Townsend', is written over a light blue horizontal line.

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Reason: In the interests of securing the removal of inappropriate and harmful structures to the character and appearance of the countryside locality, in accordance with policy EN1 of the Amber Valley Borough Local Plan 2006.

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

Site Location Plan - drawing number L6 - received 6th July 2018

Block Plan - Yard Layout - drawing number - L7 - received 6th July 2018

Proposed Layout - drawing number - AA1 - received 24th July 2018

Proposed Agricultural Building - drawing number 3602-01 dated 5th July 2018

Proposed Chicken House - drawing number - drawing number 3602-02 dated 5th July 2018

Proposed Duck House - drawing number 3602-03A dated 5th July 2018

Proposed Duck and Cockeril Shelter - drawing number 3603-01 dated 17th July 2018

Proposed Turkey and Geese Shelter - drawing number 3603-02 dated 17th July 2018

Proposed Sheep and Geese Shelter - drawing number 3603-03 dated 17th July 2018

Reason : In order to define the permission.

4. By 31st May 2019 the site access shall be modified in accordance with the application drawings, laid out, constructed in a hard bound material and provided with 2m x 43m visibility splays in both directions, the area in advance of the sightlines being maintained throughout the life of the development clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

Reason: In the interests of securing sufficient highway visibility, as required by policy TP1 of the Amber Valley Borough Local Plan 2006.

5. Space shall be provided within the application site in accordance with the application drawings for the parking and manoeuvring of visitors, staff, customers, service and delivery 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 securing sufficient off street parking, as required by policy TP1 of the Amber Valley Borough Local Plan 2006.

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6. There shall be no gates or other barriers within 10m of the nearside highway boundary and any gates shall open inwards only.

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

7. By 31st May 2019, a landscaping scheme shall be submitted to and be approved by the Local Planning Authority to screen the approved yard and associated agricultural buildings from Palerow Lane. Any trees or plants shall be planted in accordance with the agreed 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.

8. Prior to installation full details of any external lighting including its design, location, orientation, operating hours and power source shall be first submitted to and approved in writing by the Local Planning Authority. All works shall be fully implemented on site fully in accordance with the approved scheme.

Reason: To minimise the likelihood of light spillage, glare and visual intrusion, in the open landscape in the interests of residential amenity as required by policy EN16 of the Amber Valley Borough Local Plan 2006.

Notes

Attention is drawn to the attached notes:

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- 1 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 of Economy Transport & Environment 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
http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp, email Highways.Hub@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190.

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:

LS1 - Sustainability criteria
LS3 - Design
EN1 - Countryside
EN11 - Agricultural development
TP1 - Impact on the Transport Network
TP6 - Parking

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.

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. 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.
3. 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.
4. 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.
5. 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

6. 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.
7. 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.
8. 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".
9. 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.
10. 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.