Julian Townsend
Executive Director (Operations)
Development Management

Town Hall
Ripley
Derbyshire DE5 3BT
Tel: 01773 570222
Fax: 01773 841523
Email: enquiry@ambervalley.gov.uk
Web: www.ambervalley.gov.uk

Mr Dean Waddilove
Amber Valley Developments Limited
Whitley Service Station
Derby Road
Ripley
Derby
DE5 8JN
Derbyshire

Seb Design
24 Springfield Avenue
Loscoe
Heanor
Derbyshire
DE75 7LN

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 guidance and policy and the saved policies of the Adopted Amber Valley Borough Local Plan 2006, and with reference to your application (**Office Code: AVA/2020/0861**) which was valid on the 17 September 2020 for permission for **Permanent change of use of land from car wash to permit a mixed use for both washing & valeting of cars and the sale of motor cars following temporary permission granted under AVA/2016/1221 at Railway Tavern Car Wash 188 Station Road Langley Mill**

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 carried out only in accordance with the details and specifications set out below and the conditions within this decision notice:

   - Site Location Plan;
   - Site layout, container and car valet area elevations drawing no. TO/AVD/13/047/02 Rev A; and,
   - Design and Access Statement & Simple Flood Risk Assessment.

Date : 2 December 2020 Signed

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Reason: In order to define the permission.

2. Operations or uses connected with the car wash and valeting, authorised under this permission shall be carried out within the application site only between the following times:-

   Between 0900 hours and 1800 hours on Mondays to Fridays;
   Between 0900 hours and 1700 hours on Saturdays; and
   Between 0930 hours and 1630 hours on Sundays and Bank Holidays.

   Reason: To protect the amenity of the residents of adjacent properties in accordance with saved policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

3. Operations or uses connected with the car sales, authorised under this permission shall be carried out within the application site only between the following times:-

   Between 0900 hours and 1700 hours on Mondays to Saturdays; and
   Between 1000 hours and 1600 hours on Sundays and Bank Holidays.

   Reason: To protect the amenity of the residents of adjacent properties in accordance with saved policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

4. Only mains powered equipment shall be used on site. No generators shall be operated on the site without the prior written approval of the Local Planning Authority.

   Reason: To ensure against noise disturbance to the surrounding area or properties in accordance with saved policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

5. The parking indicated on Drawing TO/AVD/13/047/02 Revision A shall be provided for the parking of vehicles with space for vehicles to manoeuvre so that they may enter and leave the site in a forward gear. The parking and manoeuvring shall be maintained free from any impediment to its designated use for the life of the development.

   Reason: In the interests of the safety of the users of the access and public highway safety in general in accordance with saved policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

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6. Within 3 months of the date of this permission, a flood evacuation plan shall be submitted to and approved in writing by the Local Planning Authority, which outlines:

   a) The flood warning procedure
   b) A safe point of extraction
   c) How users can safely evacuate the site upon receipt of a flood warning
   d) How users will be made aware of flood risk
   e) Who will be responsible for the update of the flood evacuation plan

   The agreed scheme shall be in place for the life of the development.

   Reason: To ensure that a suitable flood evacuation plan is in place for the site in accordance with saved policy EN15 of the Adopted Amber Valley Borough Local Plan 2006.

7. Notwithstanding the hereby approved plans, the development shall be carried out in accordance with the submitted flood risk assessment (ref PG/AVD/13/47D&A by Paul Gaughan Building Consultants dated November 2016) and the following mitigation measures it details:
   - No raising of ground levels as a result of the development
   - The portacabin shall be set on steel legs and be a minimum of 300mm above the existing ground level
   These mitigation measures shall be fully implemented within 2 months of the date of this permission. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

   Reason: To prevent flooding elsewhere by ensuring that storage of fluvial flood water is maintained and to reduce the risk of flooding to the proposed development and future occupants in accordance with saved policy EN15 of the Adopted Amber Valley Borough Local Plan 2006.

8. Within 2 months of the hereby approved uses ceasing, the associated building(s) and structure(s) hereby approved shall be removed from the site and the land restored to its former condition, unless a further planning application has been submitted to and approved by the Local Planning Authority.

Date : 2 December 2020 Signed

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Reason: The development is of a type not considered suitable for permanent retention in accordance with saved policies LS3 and ER11 of the Adopted Amber Valley Borough Local Plan 2006.

Notes

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:

LS1 - Sustainability criteria
LS3 - Design
ER11 - Quality and design of development
EN15 - Development and Flood Risk
EN16 - Pollution
EN18 - Derelict, Unstable And Contaminated Land
TP1 - Impact on the Transport Network

In detail:

The National Planning Policy Framework (NPPF) is a material consideration in planning decisions. In accordance with Paragraph 186 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.**