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 Michael Blatherwick
60 Forest Lane
Papplewick
Nottingham
NG15 8FF

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/2020/0868**) which was valid on the 24 September 2020 for permission for **Change of use from childrens play centre to a use falling within Use Class E(g) (offices, research and development, industrial purposes), B2 (General industrial) and B8 (storage and distribution), and external flue for ventilation extraction system.**
at LANKY BILL'S FUN SHACK LTD Unit 6 Cromford Road Industrial Estate

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 and documents listed below and with the conditions attached to this permission:

   Site location plan received on 24/09/2020

Date : 6 January 2021 Signed

Julian Townsend
Executive Director (Operations)

Existing ground floor plan, Drawing L.001 - received on 24/09/2020

Existing and proposed rear elevation and extraction flue, Drawing CR-LM-2020-01-R2 - received on 16/12/2020

Details of fan and silencer - received on 16/12/2020

E-mail from Michael Blatherwick (applicant) dated 04/01/2021 regarding the installation / operation of the extraction system

Reason: In order to define the permission

3. Notwithstanding the provisions contained within Schedule 2, Parts 3 and 4 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order) this permission shall relate to the use of the premises only for the purposes defined in the application, namely Use Classes E(g) (as set out in the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020), and Use Classes B2 and B8, and for no other purpose unless planning permission for a new use of the premises has been granted by the Local Planning Authority.

   Reason: To enable the Local Planning Authority to maintain a satisfactory control of the activities involved in accordance with policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

4. No externally mounted/ducted plant, machinery or equipment shall be installed before the Local Planning Authority has approved, in writing, detailed information regarding noise emissions, operating hours and location. If required by the Local Planning Authority, an assessment of noise emissions shall be submitted to, and approved in writing by, the Local Planning Authority and the emission or transmission of sound mitigated in accordance with a scheme to be approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved scheme.

   Reason: To enable the Local Planning Authority to maintain a satisfactory control of the activities involved in accordance with policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

Date : 6 January 2021

Signed



Julian Townsend
Executive Director (Operations)

5. Full details of the measures proposed to deal with any smell, fumes, smoke, soot, ash, dust or grit emitted from the premises shall be submitted to, and approved, in writing by, the Local Planning Authority prior to installation. The development shall be carried out and maintained in accordance with the approved details.

   Reason: To enable the Local Planning Authority to maintain a satisfactory control of the activities involved in accordance with policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

6. The use hereby permitted shall not commence until the extract ventilation system required in connection with the use hereby permitted has been installed in accordance with the approved details referred to in Condition 2, and shall be maintained as such thereafter.

   Reason: To avoid unacceptable air pollution in the interests of the amenities of adjoining properties in accordance with policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

Notes
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

Note to applicant

The applicant is advised that B2 and B8 uses at the premises in the evenings and night time should be avoided as they are more likely to adversely affect residential amenity and thus cause a statutory noise nuisance that could result in the need for enforcement action and mitigation measures.

Date : 6 January 2021 Signed



Julian Townsend
Executive Director (Operations)

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:

LS3 - Design
ER4 - Industrial and storage development
ER11 - Quality and design of development
TP1 - Impact on the Transport Network
TP6 - Parking
EN16 - Pollution
EN18 - Derelict, Unstable And Contaminated Land

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.

Date : 6 January 2021 Signed

Julian Townsend
Executive Director (Operations)

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.**