Julian Townsend
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Mr Daniel Payandeh
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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 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/2020/1071**) which was valid on the 12 November 2020 for permission for **Erection of outbuilding within domestic curtilage for the use of a personal training business to be accessed via the private track to the rear of the property connecting to Limes Avenue and alteration to land levels and erection of a 2 metre high gate to the side of the building at 11 Charles Street Alfreton Derbyshire**

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 use of the hereby approved building for a personal training business is valid for a limited period only, expiring on 30 June 2022. On or before that date the use of the building to be used as a fitness studio for client's shall cease and the building shall be used for private/domestic use only unless a further planning application has been submitted to and approved by the Local Planning Authority.

   Reason: The development is of a type not considered suitable for permanent retention in accordance with policy EN15 of the Adopted Amber Valley Borough Local Plan 2006.

2. The use hereby permitted shall be carried on only by Mr Daniel Payandeh with two clients only at any one time.

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Reason: To enable the Local Planning Authority to assess the impact of the proposed development in accordance with policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

3. The development hereby permitted shall be carried out only in accordance with the details and specifications shown on the submitted Block Plan, and details / photos and plan labelled side elevations showing land levels before and after, received 12.11.2020

   Reason: To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application in accordance with policies LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

4. The sides and rear of the outbuilding shall be finished in paint to match the existing colour of render to the front of building and shall be completed within 6 months of the date of the decision.

   Reason: To ensure the satisfactory appearance of the completed development in accordance with policies LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

5. Operations or uses authorised under this permission shall be carried out within the application site only between the following times:-

   Between 8.00 am and 8.00pm Mondays to Fridays and
   8.00am and 12.00pm on Saturdays, and
   at no time on Sundays or bank holidays

   Reason: To protect the amenity of the residents of adjacent properties in accordance with policy H12 of the Adopted Amber Valley Borough Local Plan 2006.

6. All training classes shall take place inside the studio with all doors and windows closed.

   Reason: To protect the amenity of the residents of adjacent properties in accordance with policy H12 of the Adopted Amber Valley Borough Local Plan 2006.

7. No plant, machinery or equipment capable of generating noise outside the building shall be installed without the prior written approval of the Local Planning Authority.

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Reason: To protect the amenity of the residents of adjacent properties in accordance with policies H12 and EN16 of the Adopted Amber Valley Borough Local Plan 2006.

8. Associated external lighting shall be positioned on site to minimise light trespass and glare, and maintained in such position through the working life of the installation. The lighting shall operate only between dusk and 19:30 hours the same day when the business is operating or shall be fitted with passive infra-red detectors to ensure operation only when necessary. No illuminated advertising shall be installed without the prior written approval of the Local Planning Authority.

   Reason: To protect the amenity of the residents of adjacent properties in accordance with policies H12 and EN16 of the Adopted Amber Valley Borough Local Plan 2006.

9. Access to the site and the parking of any client's vehicles shall be to the rear of the site in the space provided as per the submitted block plan dated 12.11.2020.

   Reason: To ensure the provision of adequate parking facilities in accordance with policy TP1 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

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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H12 - Design and amenity considerations
LS1 - Sustainability criteria
LS2 - Community Safety
LS3 - Design
LC6 - Leisure Facilities
EN16 - Pollution
EN18 - Derelict, Unstable And Contaminated Land
ER11 - Quality and design of 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. **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.**