Julian Townsend
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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/2020/1218**) which was valid on the 27 January 2021 for permission for **Resubmission of AVA/2016/0859 to retain car wash on same site with the porta building remaining in the same position at Give For Good Charity Shop Butterley Hill Ripley**

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. This permission is valid for a limited period only, expiring on 31 December 2024. On or before that date the use hereby approved shall cease and the site be reinstated to its existing use unless a further planning application has been submitted to and approved by the Local Planning Authority.

   Reason : To allow an adequate period of time within which to assess the impact of this activity on residents in accordance with policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

1. The use hereby permitted shall be carried on only by Mr Lleshi and his employees.

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Reason : To enable the Local Planning Authority to assess the impact of the proposed development in accordance with policy H12 and EN16 of the Adopted Amber Valley Borough Local Plan 2006.

2. The development shall be carried out in accordance with the details contained in the submitted plans listed below and with the conditions attached to this consent:

   Application form received 27 January 2021;
   Applicants and business partner received 26 April 2021

   Reason : In order to define the permission

3. Operations or uses authorised under this permission shall be carried out within the application site only between the following times (as per section 20 of the application form):

   Operations or uses authorised under this permission shall be carried out within the application site only between the following times:
   09:00 and 18:00 hours on Mondays to Fridays;
   09:00 and 17:00 hours on Saturdays; and
   10:00 and 16:00 hours on Sundays and bank holidays.

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

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

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

5. No more than 2 power/jet-wash lances and no more than 1 vacuum shall be operated on site simultaneously.

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

6. No sources of amplified sound, including portable or vehicle radios, shall be operated at any time.

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

7. All waste/recyclable chemical containers shall be securely lidded, stored neatly and removed from site in a timely manner to prevent the accumulation of waste materials and chemical leakage.

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

8. The existing one-way system shall remain throughout 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 policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

9. The gates shall be maintained locked in the open position during the hours of operation.

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

Notes
Attention is drawn to the attached notes:

1 Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.

2 The applicant/agent is advised that the existing signage for the car wash does not benefit from permission for advertisement consent. An application will need to be submitted for the existing signage.

3 The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist,

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be caused as a result of the proposed development, or occur at some time in the future. These hazards include:

o Collapse of shallow coal mine workings.
o Collapse of, or risk of entry into, mine entries (shafts and adits).
o Gas emissions from coal mines including methane and carbon dioxide.
o Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide.
o Transmission of gases into adjacent properties from underground sources through ground fractures.
o Coal mining subsidence.
o Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Potential hazards or impacts may not necessarily be confined to the development site, and Applicants must take advice and introduce appropriate measures to address risks both within and beyond the development site. As an example the stabilisation of shallow coal workings by grouting may affect, block or divert underground pathways for water or gas.

In coal mining areas there is the potential for existing property and new development to be affected by mine gases, and this must be considered by each developer. Gas prevention measures must be adopted during construction where there is such a risk. The investigation of sites through drilling alone has the potential to displace underground gases or in certain situations may create carbon monoxide where air flush drilling is adopted.

Any intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.

Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is

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concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity, and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

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
LS2 - Community Safety
LS3 - Design
LS4 - Accessibility
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
H12 - Design and amenity considerations

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.

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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.**

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