



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 Richard Tufnell
Ilchester Estates
The Estate Office
7 Addison Road
London
W14 8DJ

Mr Nick Grace
GraceMachin Planning &
Property
2 Hollowstone
The Lace Market
Nottingham
NG1 1JH

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/2021/0236**) which was valid on the 16 March 2021 for permission for **Subdivision of Pilkington UK Ltd premises up to nine separate employment units comprising 8 no. B2/B8 and 1 no. E(g) at PILKINGTON UK LTD Cotes Park Lane Somercotes**

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 listed below and with the conditions attached to this consent:

Site Location Plan - drawing number 70-P-001 Revision P02

Proposed Floor Plan - drawing number 20-P-001 Revision P03

Date : 11 June 2021

Signed

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

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Proposed Elevations - drawing number 20-E-002 Revision P02

Proposed Elevations - drawing number 20-E-001 Revision P03

Reason: In order to define the permission.

3. Prior to commencement of use of each separate business unit, the hours and days of operation for each business unit shall be first submitted to and approved in writing by the Local Planning Authority. Once approved each business unit shall commence operations fully in accordance with the approved days and hours.

Reason: In the interests of residential amenity, as required by Policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

4. Prior to installation of any externally mounted/ducted plant, machinery or equipment to any business unit, full details, including detailed information regarding its acoustic performance, operating hours and location shall be first submitted to and agreed in writing by the Local Planning Authority. Any agreed scheme shall then be implemented fully in accordance with the approved scheme and be maintained in perpetuity for the life of the development.

Reason: In the interests of residential amenity, as required by Policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

5. The hereby approved parking and manoeuvring areas for each business unit shall be provided fully in accordance with the submitted details and made available for use prior to commencement of use of each business unit. The parking and manoeuvring areas shall then be retained in perpetuity for the designated purposes for the life of the development.

Reason: In the interests of highway safety in accordance with Policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

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Notes**Attention is drawn to the attached notes:**

- 1 The Lead Local Flood Authority advises as follows:

The applicant should provide a flood evacuation plan which outlines:

- The flood warning procedure
- A safe point of extraction
- How users can safely evacuate the site upon receipt of a flood warning
- The areas of responsibility for those participating in the plan
- The procedures for implementing the plan
- How users will be made aware of flood risk
- How users will be made aware of flood resilience
- Who will be responsible for the update of the flood evacuation plan

Flood resilience should be duly considered in the design of the new buildings or renovation. Guidance may be found in BRE Digest 532 Parts 1 and 2, 2012 and BRE Good Building Guide 84.

- 2 For the purposes of discharging conditions 3 and 4 each applicant should refer to drawing number 20-P-001 Rev P03 within their submission and quote the unit number as shown on the floor plan.

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

TP1 - Impact on the Transport Network

ER4 - Industrial and storage development

ER11 - Quality and design of development

Date : 11 June 2021

Signed



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EN15 - Development and Flood Risk

EN16 - Pollution

EN18 - Derelict, Unstable And Contaminated Land

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.

Date : 11 June 2021

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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.