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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/2020/1093**) which was valid on the 19 November 2020 for permission for **Demolition of existing workshop storage unit and replacement and re siting with new purpose built workshop/storage unit (This is contrary to the provisions of the Development Plan) at HTC Associates Ltd First Floor Unit 1 Cattermole Buildings**

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:

- Site Location Plan;

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Signed

A handwritten signature in black ink, appearing to read 'Julian Townsend', is written over a white background.

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- Proposed layout and elevations dated Aug 2020;
- Demolition Method Statement dated 26/11/2020; and,
- Protected Species Appraisal dated March 2021.

**Reason** : In order to define the permission.

3. The use hereby permitted shall remain ancillary to CTEC Services Ltd and not be severed as an independent and unconnected business unit.

**Reason** : To enable the Local Planning Authority to assess the impact of the proposed development in accordance with saved policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

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

Between 07:00hrs and 19:00hrs Mondays to Saturdays.

**Reason** : To protect the amenity of the residents of adjacent properties in accordance with saved policies EN16 and ER11 of the Adopted Amber Valley Borough Local Plan 2006.

5. Notwithstanding the hereby approved plans, the use of the building hereby permitted shall be limited to the storage of materials and vehicles. The building shall not be used as a workshop and no industrial activities shall take place within.

**Reason** : For the avoidance of doubt and to enable the Local Planning Authority to maintain a satisfactory control of the activities involved in accordance with saved policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

6. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

**Reason** : To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and

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to minimise the risk of pollution in accordance with saved policy EN15 of the Adopted Amber Valley Borough Local Plan 2006.

7. Prior to the storage unit being brought into use, the existing workshop/storage unit shall be demolished.

**Reason :** To enable the Local Planning Authority to assess the impact of the proposed development in accordance with saved policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

8. No development shall take place to the external walls or roof of the hereby approved development until there has been submitted to and approved in writing by the Local Planning Authority details and/or samples of the materials and finishes to be used for the external elevations and roof of the proposal, and the development shall be carried out with those materials.

**Reason :** To ensure the satisfactory appearance of the completed development 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:

- 1 The applicant is advised that 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/coalauthority](http://www.gov.uk/coalauthority)
- 2 The existing buildings may contain asbestos-containing materials (ACMs), which must be carefully handled during the demolition process. Demolition activities, including the handling of ACMs, are regulated by Derbyshire Building Control Partnership under the Building Regulations and by the Health and Safety Executive (HSE), so further advice should be sought from them.

General advice in relation to the dismantling of a structure containing asbestos or ACMs is to use a registered asbestos removal contractor to ensure that environmental contamination is minimised. Copies of Consignment Notes should be obtained and

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kept as proof that the materials have been disposed of at a suitably licensed waste facility. More detailed advice on the safe handling and disposal of ACMs can be found on the Borough Council's website at [www.ambervalley.gov.uk/environment/pollution/asbestos/](http://www.ambervalley.gov.uk/environment/pollution/asbestos/) If in any doubt, you should contact Derbyshire Building Control Partnership (0333 880 2000) and the Health & Safety Executive (0300 003 1747) for advice prior to demolition.

3 With regards to condition 5, Severn Trent Water advise the following:

Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse is available as an alternative other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered.

4 Severn Trent Water advise that although their statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

### 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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#### In detail:

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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.

Whilst the development is contrary to saved policy LC9, there are material planning considerations that outweigh this and the development 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](mailto:plantprotection@cadentgas.com). Alternatively you can register on [www.beforeyoudig.nationalgrid.com](http://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](http://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.