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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/2021/0772**) which was valid on the 2 July 2021 for permission for **Five year temporary permission for the change of use of existing vacant public house site to car sales including siting of a welfare cabin at Land To The Corner Of Nottingham Road / Alfred Street Nottingham Road 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 30th June 2026. On or before that date the car sales use, welfare cabin and boundary treatment hereby approved shall cease/be removed 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: The development is of a type not considered suitable for permanent retention in accordance with Policy LS3 of the Adopted Amber Valley Borough Local Plan 2006.

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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, Site Layout, Amended Cabin Elevations - drawing 877 101 Rev C dated June 2021
   Boundary Gates and Railings received 3rd November 2021

   Reason: In order to define the permission.

3. Notwithstanding the provisions contained within the Town and Country Planning (Use Classes) Order 2021 (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 and for no other purpose.

   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. The hereby approved development does not relate to a customer car washing or valeting operation.

   Reason: For the avoidance of doubt in the interests of residential amenity, as required by Policy EN16 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:-

   0800 and 1800 Monday to Sundays

   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. The hereby approved site cabin shall be sited with the principle elevation doorway and windows facing eastwards onto the application site car park and be maintained in this position for the entirety of the temporary planning permission period.

   Reason: To protect the residential amenities of neighbouring residential occupiers to the west, as required by Policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

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7. No external lighting shall be installed unless full details of its design, location, illuminance levels, orientation and operating times have first been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall then be implemented fully in accordance with the approved details and be maintained in perpetuity for the life of the development.

   Reason: In the interests of protecting residential amenity in accordance with Policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

8. No plant or machinery, including generators, or amplified sound source, shall be operated on site until such time that precise details have been submitted to and approved in writing by the Local Planning Authority. Any amplified sound source which is approved by the Local Planning Authority shall then be carried out fully in accordance with the approved details.

   Reason: In the interests of protecting residential amenity in accordance with Policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

9. Prior to commencement of use of the hereby approved sales cabin, the cabin shall be clad on all four sides in vertical timber in accordance with drawing 101 Rev C, precise details of which shall first be submitted to and approved in writing by the Local Planning Authority together the timber's means of finishing. Once agreed the timber cladding and finish shall be provided fully in accordance with the approved details and be maintained fully in accordance with the approved details for the life of the temporary planning permission.

   Reason: In the interests of the visual amenity of the locality, in accordance with Policy LS3 of the Adopted Amber Valley Borough Local Plan 2006.

10. The hereby approved railings and gates shall be in black and provided on site fully in accordance with the approved drawings prior to commencement of use of the hereby approved car sales centre. Once provided the boundary treatment shall be maintained fully in accordance with the approved details for the life of the temporary planning permission.

    Reason: In the interests of the visual amenity of the locality, in accordance with Policy LS3 of the Adopted Amber Valley Borough Local Plan 2006.

11. Prior to commencement of use of the hereby approved car sales centre, the visitor parking as shown on layout 877 191 Rev C shall be provided in full. The approved car

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parking spaces for visitors shall be maintained in perpetuity free from any impediment to their use for the duration of the temporary permission period.

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

Notes

Attention is drawn to the attached notes:

1 The applicant should be made aware that the site lies in an area where there is a potential ground gas risk. In order to minimise the accumulation of any ground gas within the welfare unit, it is recommended that the unit is sited on a solid concrete surface, the ventilation space beneath the unit is kept clear, services into and out of the unit are well fitted and sealed, and that the interior of the unit is kept well ventilated.

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
TP6 - Parking
EN16 - Pollution
EN18 - Derelict, Unstable And Contaminated Land
LC11 - Community Facilities

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.

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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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