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 Steve Fenton
Protective Polymers
Lydford Road
Meadow Lane Industrial Estate
Alfreton
DE55 7RQ

Mr Paul Holden
Peak Architects
Broom Hall
8-10 Broomhall Road
Sheffield
S10 2DR

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/2021/1147**) which was valid on the 9 November 2021 for permission for **Construction of a Steel portal frame building for warehouse and storage usage at Protective Polymers Unit 39 Lydford Road**

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.

Date : 25 March 2022

Signed

Julian Townsend
Executive Director (Operations)

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:

   Location Plan - drg 519-PKA-XX-XX-DR-A-PL001 Rev P1
   Proposed Site Plan -drg 519-PKA-XX-XX-DR-A-PL010 Rev P2
   Proposed Elevations and Floor Plan - drg 519-PKA-XX-XX-DR-A-PL013 Rev P1
   Proposed Elevations - drg 519-PKA-XX-XX-DR-A-PL014 Rev P1
   Proposed Elevations - drg 519-PKA-XX-XX-DR-A-PL011 Rev P2
   Proposed Elevations - drg 519-PKA-XX-XX-DR-A-PL012 Rev P2

   Reason: In order to define the permission.

3. The hereby approved warehouse and storage building shall remain ancillary to Protective Polymers Ltd and for no separate commercial enterprise.

   Reason: To define the terms of this permission in the interests of highway safety in accordance with Policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

4. The five off-street car parking spaces as shown on drawing 519-PKA-XX-XX-DR-A-PL010 shall be made available for use prior to the hereby approved warehouse and storage building being first taken into use. Once provided the five car parking spaces shall be maintained in perpetuity for parking purposes for the life of the development.

   Reason: To ensure sufficient off-street car parking is provided for the development in the interests of highway safety in accordance with Policy TP1 and TP6 of the Adopted Amber Valley Borough Local Plan 2006.

Date : 25 March 2022

Signed

Julian Townsend
Executive Director (Operations)

5. No development shall commence until:

a) i. A ground gas risk assessment is carried out and a report submitted to and approved in writing by the Local Planning Authority.

ii. Where the approved risk assessment (required by i) identifies ground gases posing unacceptable risks, a detailed scheme to address the risks shall be submitted to and accepted in writing by the Local Planning Authority.

b). Any remedial actions required by the report submitted in fulfilment of (ii) above shall be fully undertaken and documented in a Verification Report which shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the structure.

Reason: This is a pre-commencement of development condition to ensure the development is not subject to unacceptable levels of ground gas, in accordance with Policy EN18 of the Adopted Amber Valley Borough Local Plan 2006.

6. No development shall commence until;

a) a geotechnical investigation has been carried out on site to establish the risks posed to the development by past coal mining activity, and;

b) any mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full.

The intrusive site investigations and remedial works shall be carried out fully in accordance with authoritative UK guidance.

Reason: This is a pre-commencement of development condition necessary to ensure the site is made safe and stable from risks posed by past coal mining activity, in accordance with Policy EN18 of the Adopted Amber Valley Borough Local Plan 2006.

Date : 25 March 2022 Signed



Julian Townsend
Executive Director (Operations)

7. Prior to the first occupation of the development, or it being taken into first beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to and approved in writing by the Local Planning Authority. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary.

   Reason: To adequately address the risks posed by past coal mining activity in accordance with Policy EN18 of the Adopted Amber Valley Borough Local Plan 2006.

Notes

Attention is drawn to the attached notes:

1 Condition 6 note

When undertaking ground gas investigation and designing gas protection measures, reference should be made to the most recent versions of British Standards BS8576 "Guidance on investigations for ground gas" and BS8485 "Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings".

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
EN16 - Pollution
EN18 - Derelict, Unstable And Contaminated Land
EN19 - Environmental Impact Assessments

Date : 25 March 2022 Signed

Julian Townsend
Executive Director (Operations)

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.

Date : 25 March 2022

Signed



Julian Townsend
Executive Director (Operations)

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.**

pe