Simon Gladwin
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 Tom Broster
Peveril Securities Limited
See Agent

Mr Paul Stone
Stone Planning Services Limited
9 Yardley Close
Swanwick
DE55 1EP
Derbyshire

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/2021/0442**) which was valid on the 20 April 2021 for permission for **Reserved matters application for the Convenience Store (use class E) including highway and drainage infrastructure following the approval of Outline Application AVA/2014/1154 at Lily Street Farm Derby Road Swanwick**

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 to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.

   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 : 18 July 2023

Signed

Simon Gladwin
Executive Director (Operations)

2. The development shall be undertaken in accordance with the following documents/drawings:

   Commercial Site Masterplan: A1 Site Area, Drg. No. 201387-PEV-02-00-DR-A-1001, Rev. P-05, dated 25.08.21.
   Masterplan, Drg. No. 21-600-04
   Soft Landscape Proposals, Drg. No. GL1201 11B, dated 16.02.2021
   Ground Floor GA, Roof Plan and Proposed Elevations, Drg. No. 201387-PEV-02-ZZ-DR-A-1205, Rev. P02, dated 09.03.2021
   External Materials Schedule, Ref. No. 201387 Rev. A, dated March 2021
   Traffic Impact for Reserved Matters Application, ref. No. ITM9036-014A TN dated 1 April 2021
   Technical Note - Response to DCC Comments on the Convenience Store, ref. No. ITM9036-016 TN, dated 14 September 2021
   Arboricultural Assessment, ref. No. GL1202, August 2021 - Issue 2.
   Noise Impact Assessment: 'Parcel C1: A1 Convenience Store, Conditions 24 and 25: Noise', SLR Ref: 403.11451.00001, Version No: 1, March 2021

   Reason: To define the terms of the permission.

3. The retail unit shall not be open to customers except between the hours of 07:00 and 22:00 hours on any day.

   Reason: In the interest of the amenity of the new residential properties and the locality in general, in accordance with Policies LS3 and N16 of the Amber Valley Local Plan.

4. Before the convenience store hereby permitted being brought into use, the hours of deliveries and collections by commercial vehicles shall be first submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed hours.

   Reason: In the interest of the amenity of the new residential properties and the locality in general, in accordance with Policies LS3 and N16 of the Amber Valley Local Plan.

Date : 18 July 2023

Signed

Simon Gladwin
Executive Director (Operations)

5. No externally mounted/ducted plant, machinery or equipment shall be installed until detailed information regarding its acoustic performance, operating hours and location have been submitted to and approved in writing by the Local Planning Authority. The equipment shall be operated in a way which minimises the emission and transmission of sound and in accordance with the recommended 'Rating Level Limits' detailed in Table 5-1 of the approved Noise Impact Assessment: 'Parcel C1: A1 Convenience Store, Conditions 24 and 25: Noise' (Ref: 403.11451.00001, Version No.1, SLR Consulting, March 2021).

   Reason: In the interest of the amenity of the new residential properties and the locality in general, in accordance with Policies LS3 and N16 of the Amber Valley Local Plan.

6. Before the development hereby permitted being brought into use, a scheme shall be submitted to, and approved in writing by, the Local Planning Authority which details the location, extent, dimensions and construction of a suitable acoustic barrier around the southern and western boundaries of the car park, and the 'timber plant & bin enclosure', to address the impact of noise from their use. The car park shall be secured to prevent unauthorised access and anti-social behaviour outside store opening hours. All works shall be fully implemented in accordance with the approved scheme, completed under the supervision of an acoustic engineer and maintained to that standard in perpetuity.

   Reason: In the interest of the amenity of the new residential properties and the locality in general, in accordance with Policies LS3 and N16 of the Amber Valley Local Plan.

7. Prior to commencement of the development hereby permitted, detailed design of storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed in accordance with the approved details and facilities shall be retained free from any impediment to their designated use throughout the construction period.

   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.

Date : 18 July 2023

Signed

Simon Gladwin
Executive Director (Operations)

8. Throughout the period of construction works vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.

   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 convenience store hereby permitted shall not be brought into use until the proposed 'northern access' to the site from Derby Road has been provided on site in accordance with the approved scheme and is fully open to traffic.

   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.

10. The convenience store hereby permitted shall not be brought into use until the proposed roundabout has been provided off the internal spine road, designed laid out and constructed, generally in accordance with drawing number PJS17-22- 102G (included within the Technical Note - Response to DCC Comments on the Convenience Store, ref. No. ITM9036-016 TN, dated 14 September 2021).

    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.

11. The convenience store hereby permitted shall not be brought into use until the internal road network has been provided in accordance with the approved drawings.

    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.

12. The convenience store hereby permitted shall not be brought into use until on-site vehicle parking, including secure cycle parking, has been provided in accordance with the application drawings and maintained thereafter free from any impediment to its designated use.

    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.

Date : 18 July 2023

Signed

S Gladwin

Simon Gladwin
Executive Director (Operations)

13. Notwithstanding the submitted drawings, the convenience store hereby permitted shall not be brought into use until revised details of the proposed on-site turning facilities, based on swept path analysis for goods vehicles, has been submitted to and approved in writing by the Local Planning Authority. Once approved the turning facilities shall be provided on site and maintained free from any impediment to their designated use.

    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.

14. The convenience store hereby permitted shall not be brought into use until a subsidiary Employment Travel Plan comprising immediate, continuing and long term measures to promote and encourage alternatives to single-occupancy car use has been prepared, submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the agreed Travel Plan Targets.

    Reason: In the interests of sustainability in accordance with saved policy LS1 of the Adopted Amber Valley Borough Local Plan 2006.

Date : 18 July 2023

Signed

S Gladwin

Simon Gladwin
Executive Director (Operations)

Notes

Attention is drawn to the attached notes:

1 The applicant is advised to note that the Tree Protection Plan would encroach on a veteran tree buffer zone and the Guidance for Veteran Trees recommends the following:

Use of Buffer Zones
A buffer zone's purpose is to protect ancient woodland and individual ancient or veteran trees. The size and type of buffer zone should vary depending on the scale, type and impact of the development.
For ancient woodlands, you should have a buffer zone of at least 15 metres to avoid root damage. Where assessment shows other impacts are likely to extend beyond this distance, you're likely to need a larger buffer zone. For example, the effect of air pollution from development that results in a significant increase in traffic.
A buffer zone around an ancient or veteran tree should be at least 15 times larger than the diameter of the tree. The buffer zone should be 5m from the edge of the tree's canopy if that area is larger than 15 times the tree's diameter.
Where possible, a buffer zone should:

- contribute to wider ecological networks
- be part of the green infrastructure of the area

It should consist of semi-natural habitats such as:

- woodland
- a mix of scrub, grassland, heathland and wetland planting You should plant buffer zones with local and appropriate native species.

You should consider if access is appropriate and can allow access to buffer zones if the habitat is not harmed by trampling.

You should avoid including gardens in buffer zones.

You should avoid sustainable drainage schemes unless:

- they respect root protection areas
- any change to the water table does not adversely affect ancient woodland or ancient and veteran trees.

2 The applicant should note that the proposed access falls within the proposed Northern Access S278 Agreement - any modifications to the layout may affect the approval of the works. Further advice is available from ETE.DevControl@derbyshire.gov.uk.

Date : 18 July 2023

Signed

S Gladwin

Simon Gladwin
Executive Director (Operations)

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:

Date : 18 July 2023

Signed

Simon Gladwin
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.**