**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 Mr Haslam
52 Upper Dunstead Road
Langley Mill
Nottingham
NG16 4GR

Mr Rick Somersby
Rick Cobham Design Ltd
8A Main Street
Calverton
Nottingham
NG14 6FQ

# 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/2023/0381**) which was valid on the 12 May 2023 for permission for **Two new build industrial units at D J Motors 4 Cromford Road Langley Mill**

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:

   Application Form received on 12th May 2023
   Proposed Layout Plans and Elevations (drawing number RS/NH/12/04/23/01 Rev A) received on 22nd June 2023
   Design and Access Statement received on 12th May 2023
   Location Plan received on 12th May 2023

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

Date : 16 August 2023

Signed S Gladwin

Simon Gladwin
Executive Director (Operations)

3. No development shall commence until;

   a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and

   b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

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

   **Reason**: This is a pre-commencement of development condition necessary in order to ensure that the site is made safe and stable for the development proposed in accordance with Policy EN18 of the Adopted Amber Valley Borough Local Plan 2006.

4. Prior to the occupation of the development, or it being taken into 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 the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

   **Reason**: In the interests of safety for future occupants of the development and to comply with Policy EN18 of the Adopted Amber Valley Local Plan 2006

5. No operations shall be carried out at the units except between the hours of 0800 and 1800 Monday to Friday and between 0800 and 1300 on Saturday. No activities shall take place on Sundays and Bank holidays.

   **Reason**: In the interests of residential amenity in accordance with policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

6. No deliveries shall be taken or despatched from the site between the hours of 0800 and 1800 Monday to Friday and between the hours of 0800 and 1300 0n Saturday. No deliveries shall take place on Sundays and Bank Holidays.

   **Reason**: In the interests of residential amenity in accordance with policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

Date : 16 August 2023 Signed

S Gladwin

Simon Gladwin
Executive Director (Operations)

7. No development shall commence until:

   i. A letter from a competent person confirming that a coal mining risk assessment intrusive investigation did not encounter any coal mine features at shallow depth and that the ground gas risk does not require further investigation shall be submitted to and accepted in writing by the Local Planning Authority.
   ii. Should the coal mining risk assessment intrusive investigation encounter coal mine features at shallow depth, a ground gas investigation and risk assessment shall be carried out and a report submitted to and accepted in writing by the Local Planning Authority.
   iii. Where the approved risk assessment (required by ii) 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 (iii) above shall be undertaken and documented in a Verification Report which shall be submitted to and accepted in writing by the Local Planning Authority prior to the occupation of any structure.

   **Reason**: This is a pre-commencement of development condition necessary in order to ensure that the site is made safe and stable for the development proposed in accordance with Policy EN18 of the Adopted Amber Valley Borough Local Plan 2006.

8. Noise level from any fixed plant or equipment (measured as LAeq,t) shall not exceed the background level (LA90,t) as measured at the boundary of the nearest residential properties at any time.

   **Reason**: In the interests of residential amenity in accordance with policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

9. Full details of any external lighting shall be submitted to and agreed in writing by the Local Planning Authority. The details shall then be carried out in accordance with the agreed details.

   **Reason**: In the interests of residential amenity in accordance with policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

Date : 16 August 2023

Signed

S Gladwin

Simon Gladwin
Executive Director (Operations)

10. No part of the development shall be occupied or brought into use until the areas indicated on the submitted plans to be set aside for parking have been permanently marked out or demarcated in accordance with the details as shown in drawing ref: RS/NH/12/04/23/01 Rev A. The parking areas shall be retained as such thereafter.

    **Reason**: To ensure that parking provision is made on the site for the traffic generated by the development.

11. Any gates to the main vehicular access shall open inwards only into the site.

    **Reason**: In the interest of highway safety.

**Notes**

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

1 Severn Trent Water advise that although our 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.

2 Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

Date : 16 August 2023

Signed

Simon Gladwin
Executive Director (Operations)

3 In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

4 Severn Trent Water advise that although our 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.

5 In relation to condition 7, when undertaking ground gas investigation and designing gas protection measures, reference should be made to the 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"

6 Only forklift trucks fitted with white noise reversing bleepers shall be used on site.

**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
LS2 - Community Safety
LS3 - Design
EN15 - Development and Flood Risk
EN18 - Derelict, Unstable And Contaminated Land
TP1 - Impact on the Transport Network
TP6 - Parking
EN16 - Pollution
ER11 - Quality and design of development
ER5 - Industrial and storage development

Date : 16 August 2023

Signed

Simon Gladwin
Executive Director (Operations)

**In detail:**

The development complies with the provisions of the development plan for the locality and raises no unresolved issues in relation to privacy, amenity, sunlight/daylight, 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 : 16 August 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.**