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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/2022/0915**) which was valid on the 24 October 2022 for permission for **Variation of condition 2 of AVA/2020/0807 to reduce number for silos to 5 and decrease height to 16 metres and proposed gantry. at HL Plastics Ltd Mixing Building Denby Hall Business Park - Flamstead House Denby Hall Way**

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 27th November 2020.

   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 undertaken in accordance with the following:

   Location Plan Rev B
   Proposed Elevations as Proposed D03
   Block Plan as Proposed SP01 Rev F
   Design & Access Statement

   Reason: To define the terms of the permission.

Date : 1 September 2023

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3. All construction activities shall comply with the following:

a) Operating hours:
No works, or deliveries to and from the site, shall occur other than between 08:00 and 18:00 hours on weekdays and between 08:00 and 13:00 hours on Saturdays. No works shall take place on Sundays or bank holidays. Any essential extension to these hours, other than for emergency works, shall be agreed with the Local Planning Authority before work commences. Activities that do not create noise and disturbance to residents may still take place outside these hours;

b) Noise and vibration:
All activities shall comply with British Standard BS 5228 'Code of practice for noise and vibration control on construction and open sites'.
A health and safety risk management system shall be designed and implemented to eliminate or minimise reversing and the use of high-pitched reversing alarms, for example, use of broadband reversing alarms - see Health and Safety Executive (HSE) guidance at: https://www.hse.gov.uk/workplacetransport/information/reversing.htm

c) Dust/Particulate emissions:
No visible dust/particulate matter shall be emitted beyond the site boundary. At such times as the prevention of nuisance is not possible, dust/particulate generating activities shall temporarily cease until such time as dust suppression measures become effective. The on-site crushing and/or screening of bricks, tiles or concrete must only be conducted under an environmental permit and the Borough Council's Environment Unit must be notified of any such activities at least 7 days prior to their commencement. No vehicle shall leave the site unless in a clean condition such that it does not deposit dust or mud on the highway. Any such deposits shall be removed from the highway at least once daily;

d) Waste:
No unwanted materials shall be disposed of on site by burning;

e) Lighting:
Any temporary site lighting shall be positioned on site to minimise light trespass and glare.

Reason: To protect residential amenity in accordance with saved policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

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4. Tanker deliveries shall not take place before 08:00 hours on Mondays to Fridays and shall be completed by 18:00 hours. No deliveries shall take place on Saturdays or Sundays. All deliveries to the silos shall utilise a land-based material transfer system and shall not use the compressed air system on the delivery vehicle.

   Reason: To protect residential amenity in accordance with saved policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

5. The vehicle access door in the north-east elevation (as shown on drawing number SP01, Rev.B, August 2020) shall be kept closed between the hours of 18:00 and 08:00 hours the following day. There shall be no movement of forklift trucks, shunter vehicles or similar outdoors within the application site during this period, and at no time on Sundays or bank holidays. All on-site/hire vehicles shall be fitted with a broadband reversing alarm system.

   Reason: To protect residential amenity in accordance with saved policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

6. Before development commences, the applicant shall conduct an environmental noise assessment to rate and assess sound from all industrial and manufacturing processes; fixed installations comprising mechanical and electrical plant; and from the loading and unloading of goods and materials in accordance with the methodology in British Standard 4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound'.
   All noise-sensitive premises identified shall be protected from associated noise such that the rating level does not exceed the background sound level (an indication that the specific sound source has no more than a low impact, depending on the context).
   Development shall not begin until details of the noise mitigation measures necessary to comply with the above have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details and completed under the supervision of an acoustic engineer, where necessary.
   Should the plans alter from those on which the agreed noise assessment is based, a review of the assessment and proposed mitigation measures shall be submitted to, and approved in writing by, the Local Planning Authority before construction commences.
   A further acoustic report verifying compliance with the above noise levels at agreed representative premises, determined by measurement (and/or calculation where agreed with the Local Planning Authority), shall be submitted to, and approved in writing by, the Local Planning Authority within a period following implementation of the permission agreed with the Local Planning Authority.

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Reason: This is a pre-commencement of works condition to protect residential amenity in accordance with saved policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

7. No permanent external lighting shall be installed unless full details of its design, location, illuminance levels, orientation and operating times have first been agreed with the Local Planning Authority. All works shall be fully implemented in accordance with the approved scheme before use commences. The lights shall be positioned on site to minimise light trespass and glare, and maintained as such throughout the working life of the installation.

   Reason: To protect residential amenity in accordance with saved policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

8. The permission hereby granted shall remain ancillary to the current authorised activities at HL Plastics and not be severed as an unconnected business.

   Reason: To define the terms of the permission.

Notes

Attention is drawn to the attached notes:

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
ER5 - Industrial and storage development
ER11 - Quality and design of development
TP1 - Impact on the Transport Network
EN13 - Nature Conservation
EN15 - Development and Flood Risk
EN16 - Pollution
EN18 - Derelict, Unstable And Contaminated Land

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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.

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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.**