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

Cash Access UK Limited
46-48 King Street
Belper
Derbyshire
DE56 1PL
United Kingdom

Tom Bell
Ridge & Partners LLP
Tower Wharf, Cheese Lane
Bristol
BS2 0JJ
United Kingdom

TOWN AND COUNTRY PLANNING ACT 1990

TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENT) (ENGLAND) REGULATIONS 2007

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/2023/0496**) which was valid on the 17 July 2023 for permission **Advertisement consent for new externally illuminated fascia sign and projecting sign positioned to the side of fascia. A2 swinger board to be displayed on the street during operating hours at Ilkeston Specsavers 46 - 48 King Street Belper**

In the manner described in the application and shown on the accompanying plan(s) and drawing(s) - **NOTICE IS HEREBY GIVEN** that express consent is **GRANTED for a period of 5 years terminating on 3 October 2028 and subject to the following condition(s)**

Conditions/Reasons

1. The development hereby permitted shall be carried out only in accordance with the details and specifications shown on the amended drawings listed below:

   Amended Proposed Elevations and Advertisements (drawing number 2760 Rev D) received on 18th September 2023
   Amended Projecting Sign Details (drawing number PO030922_SM03 Issue A) received on 18th September 2023
   Projecting Sign Illumination Details (drawing number PO30922_SM03) received on 14th July 2023

   Reason: To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application in accordance with policy LS3, EN24, EN27, EN29 and EN22 of the Adopted Amber Valley Borough Local Plan 2006.

Date : 3 October 2023

Signed S Gladwin

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2. Any external light sources shall be controlled at a level that is within the limit recommended by the Institution of Lighting Professionals technical guidance note PLG05 'The brightness of illuminated advertisements' 202.

   Reason: To ensure that the display does not appear as an unduly prominent feature in the area and to avoid dazzle/glare for highway users in accordance with policy EN22 of the Adopted Amber Valley Borough Local Plan 2006.

3. The hereby approved projecting sign shall have a minimum clearance of 2.3 m from the highway.

   Reason: In the interest of highway safety in accordance with saved policy EN22 of the Amber Valley Borough Local Plan 2006

Notes

Attention is drawn to the attached notes:

1 The applicant is advised that as the hanging sign overhangs the highway, the appropriate highway licence shall be sought. The applicant is advised to contact the Highway Authority at Derbyshire County Council.

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:

EN22 - New Advertisements
EN24 - Listed Buildings
EN27 - Conservation Areas
EN29 - Derwent Valley Mills World Heritage Site

Date : 3 October 2023

Signed

S Gladwin

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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 proposed advertisements comply with the provisions of the development plan for the locality and raise no unresolved issues in relation to the character and design of the building and the locality, highway safety or heritage features.;

Date : 3 October 2023

Signed

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NOTES

THE STANDARD CONDITIONS

PART 1: Conditions attached to all consents save as otherwise provided in the regulations:

1. All advertisements displayed and any land used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
2. Any hoarding or similar structure, or any sign, placard, board or device erected or used principally for the purposes of displaying advertisements shall be maintained in a safe condition to the reasonable satisfaction of the Local Planning Authority.
3. Where any advertisement is required under these regulations to be removed, the removal thereof shall be carried out to the reasonable satisfaction of the Local Planning Authority.

PART 2: Conditions attached to consent deemed to be granted, or granted under Regulation 13.

4. An advertisement for which consent is deemed to be granted or is granted under Regulation 13 of the foregoing regulations shall not be sited or displayed so as to obscure, or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air, or as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or airfields.

PROCEDURES FOR APPEAL (REGULATION 15)

22.(1) Provided that the Secretary of State shall not be required to entertain an appeal under this regulation if it appears to him having regard to the provisions of these regulations, that consent for the display of advertisements in respect of which application was made could not have been granted by the Local Planning Authority, or could not have been granted otherwise than subject to the conditions imposed by them.

(2) Any person who desires to appeal under this regulation shall give notice of appeal in writing to the Secretary of State within one month from the receipt of notification of the Local Planning Authority's decision or such longer period as the Secretary of State may allow and shall within one month from giving notice of appeal or such longer period as the Secretary of State may allow, send to the Secretary of State a copy of each of the following documents.
   (1) the application made to the Local Planning Authority
   (2) all relevant plans and particulars submitted to them
   (3) the notice of the decision, if any
   (4) all other relevant correspondence with the Authority

(3) The Secretary of State may, if he thinks fit, require the applicant or the Local Planning Authority to submit within a specified period a further settlement in writing in respect of any of the matters to which the appeal relates, and if, after considering the grounds of the appeal and any such further states, the Secretary of State is satisfied that he is sufficiently informed for the purposes of reaching a decision as to the matters to which the appeal relates, he may decide the appeal without further investigation; but otherwise the Secretary of State shall, if either party so desire, afford to each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

(4) Where an appeal is brought under this regulation from a decision of the Local Planning Authority the Secretary of State may allow or dismiss the appeal or may reverse or vary any part of the decision of the Local Planning Authority whether or not the appeal relates to that part and deal with the application as if it had been made to him in the first instance.

(5) Where the Local Planning Authority fail to notify the applicant as required by regulation 14 within two months from receipt of the application, or within such extended period as is agreed between them, the provisions of paragraphs (1) and (2) above shall apply in relation to the application as if consent had been refused by the Local Planning Authority and as if notification of their decision had been received by the applicant at the expiration of the said period of two months or the extended period agreed upon as aforesaid as the case may be.

(6) Subject as hereafter provided, where the Local Planning Authority serve a discontinuance notice or any person under Regulation 16, the provisions of paragraphs (1) and (2) above shall apply as if that person had made an application for consent for the display or the use of land for display of advertisements to which the notice relates and the Local Planning Authority had refused consent for the reasons stated in the notice, and as if the notice constituted notification of the Authority's decision as required by Regulation 14. Provided that paragraph (2) above shall apply subject to the provisions of Regulation 16 (5) and as if the following sub paragraphs were substituted for sub paragraphs (I) to (IV) thereof:-
   (I) the discontinuance notice
   (II) any notice of variation thereof
   (III) any relevant correspondence with the Authority

(7) On the determination of an appeal under this regulation made by virtue of paragraph (6) above, the Secretary of State shall give such directions as may be necessary for giving effect to his determination, including where appropriate, directions for quashing the discontinuance notice in favour of the appellant.

(8) The decision of the Secretary of State on an appeal under this regulation shall be final and shall otherwise have effect as if it were a decision of the Local Planning Authority.

NOTE: If it is intended to give notice of appeal in accordance with Regulation 15 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