S Gladwin
Chief Executive
Development Management

Town Hall
Ripley
Derbyshire DE5 3BT
Tel: 01773 570222
Email: enquiry@ambervalley.gov.uk
Web: www.ambervalley.gov.uk

Joanna Houseman
Sunny Days Preschool Nursery Ltd
109A Derby Road
Ripley
Derbyshire
DE5 3HT

Mr Brett Needham
Studio VII LTD
18 Brookhill Leys Road
Eastwood
NG16 3HZ

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 policies of the Amber Valley Borough Local Plan 2022-2040, and with reference to your application (**Office Code: AVA/2026/0171**) which was valid on the 19 March 2026 for permission for **Change of use from industrial process and associated living accommodation to a nursery with associated internal and external alterations at 124 Derby Road Ripley Derbyshire**

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 hereby permitted shall be carried out only in accordance with the details and specifications shown on the drawings PP-14783811v1 received on 19.03.2026 and amended drawing 129.002 Rev B received on 15.04.2026.

   Reason: To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application in accordance with policies EN15 and IN1 of the Adopted Amber Valley Borough Local Plan 2022-2040.

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3. Notwithstanding the provisions contained within the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking and re-enacting that Order) this permission shall relate to the use of the premises only for the purposes defined in Class E(f) and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

   Reason: To protect the amenity of the residents of adjacent properties in accordance with policy EN10 of the Adopted Amber Valley Borough Local Plan 2022-2040.

4. The establishment shall be laid out and operated in accordance with the Proposed layouts & block plan drawing 129.002 Rev A received on 19.03.2026.

   Reason: To protect the amenity of the residents of adjacent properties in accordance with policy EN10 of the Adopted Amber Valley Borough Local Plan 2022-2040.

5. The use hereby permitted shall take place only between 07:30 and 18:00 on Mondays to Fridays, and between 07:30 and 13:00 on Saturdays.

   Reason: To protect the amenity of the residents of adjacent properties in accordance with policy EN10 of the Adopted Amber Valley Borough Local Plan 2022-2040.

6. The number of children attending the development hereby permitted shall not exceed 60 persons and number of staff members attending shall not exceed 12 persons at any one time.

   Reason: To protect the amenity of the residents of adjacent properties and in the interests of highways safety in accordance with policies EN10, EN15 and IN1 of the Adopted Amber Valley Borough Local Plan 2022-2040.

7. The development hereby permitted shall not commence until details of the site access scheme have first been submitted to and approved in writing by the Local Planning Authority.

   The approved scheme shall be implemented prior to the development hereby permitted being brought into use.

   Reason: In the interests of the safety of the users of the access and public highway safety in general in accordance with policy IN1 of the Adopted Amber Valley Borough Local Plan 2022-2040.

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8. The development hereby permitted shall not commence until details of the on-site car parking scheme have first been submitted to and approved in writing by the Local Planning Authority.

   The approved scheme shall be implemented prior to the development hereby permitted being brought into use and maintained as such for the duration of the development

   Reason: In the interests of the safety of the users of the access and public highway safety in general in accordance with policy IN1 of the Adopted Amber Valley Borough Local Plan 2022-2040.

9. No part of the development hereby permitted shall be brought into use until provision has been made within the application site for secure, covered cycle parking, secure cycle equipment storage, and electric vehicle charging facilities in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

   Reason: In the interests of furthering by sustainable modes in general in accordance with policies EN1, EN15 and IN1 of the Adopted Amber Valley Borough Local Plan 2022-2040.

10. The development hereby permitted shall not commence until a traffic management plan has first been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented on first use of the development hereby permitted and shall be maintained for the life of the development in accordance with the provisions of the plan.

    Reason: In the interests of the safety of the users of the access and public highway safety in general in accordance with policy IN1 of the Adopted Amber Valley Borough Local Plan 2022-2040.

11. The development hereby permitted shall not commence until a travel plan statement has first been submitted to and approved in writing by the Local Planning Authority.

    The approved statement shall be implemented on first use of the development hereby permitted and shall be maintained in accordance with the provisions of the statement.

    Reason: In the interests of furthering by sustainable modes in general in accordance with policies EN1, EN15 and IN1 of the Adopted Amber Valley Borough Local Plan 2022-2040.

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Notes
Attention is drawn to the attached notes:

1 The proposed development lies within an area that has been defined by the Mining Remediation Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Mining Remediation Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure a suitable engineering design which takes account of all relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Mining Remediation Authority Policy in relation to new development and mine entries available at:

Building on or within the influencing distance of mine entries - GOV.UK
Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation Authority Permit. 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. Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property
What is a permit and how to get one? - GOV.UK (www.gov.uk)

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.
If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required. Further information regarding Incidental Coal Agreements can be found here - https://www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements

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If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Mining Remediation Authority on 0800 288 4242. Further information is available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK

2 Planning permission does not convey consent to work on or adjacent to the public highway.

Prior to any works commencing on site, including demolition works, the developer must obtain the highway authority's consent.

The developer must obtain a license under Section 184 of the Highways Act 1980 before commencing any works on the highway.
Details are available at: www.derbyshire.gov.uk/transport-roads/roads-traffic/licences-enforcements/vehicular-access/vehicle-accesses-crossovers-and-dropped-kerbs.aspx or email highways.hub@derbyshire.gov.uk.

3 The deposit of mud or other items, and/or the discharge of water, onto the public highway are offences under Sections 149 and 151, Highways Act 1980. The applicant, any contractors, and the owner/occupier of the land must therefore ensure that nothing is deposited on the highway, nor that any soil or refuse etc is washed onto the highway, from the site. Failure to prevent this may force the highway authority to take both practical and legal action (which may include prosecution) against the applicant/contractors/owner or occupier of the land.

4 The access scheme required by Condition 7 shall include, not exclusively, the following features:
o Access modified to provide a dropped kerb footway crossing to highway authority specification.
o Sufficient width within the site, including between gates, to enable two vehicles to pass simultaneously between the site access and parking area.
o Provision of a safe pedestrian walkway between the main door of the nursery and the car park.
o 2m x 2m pedestrian visibility splays on both sides of the access at the back of the footway.

5 The car parking scheme required by Condition 8 shall include parking and manoeuvring provision for 16 cars.

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6 The facilities approved in accordance with Condition 9 shall not be used for any other purpose and shall be maintained for the life of the development.

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 policies of the Amber Valley Borough Local Plan 2022-2040:

SS1 - Presumption in favour of Sustainable
ED2 - Other Business & Industrial Development
EN8 - Biodiversity
EN9 - Biodiversity Gains
EN10 - Pollution
EN11 - Derelict, Unstable & Contaminated Land
EN15 - Quality and Design of Development
IN1 - Transport

In detail:

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.

The National Planning Policy Framework (NPPF) is a material consideration in planning decisions. In accordance with Paragraph 39 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.

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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.