



South Derbyshire District Council

Civic Offices, Civic Way, Swadlincote, Derbyshire DE11 0AH

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www.planning.south-derbys.gov.uk/

Mr Michael McParlane
Bell Building Projects
19 Roberts Drive
Helen Street
Glasgow
G51 3HE

Applicant:
Mr Douglas Anderson
GAP Group Ltd
40 Carrick Street
Glasgow
G2 8DA

Ref. No. 9/2015/0069

Local Government Act 1972
Town and Country Planning Act 1990

GRANT OF PLANNING PERMISSION

With respect to your application received 15 June 2015 for **RETROSPECTIVE ERECTION OF A BUILDING TO PROVIDE A GAP EVENTS DEPOT AT LAND AT SK2719 7538 TETRON POINT WILLIAM NADIN WAY SWADLINCOTE**; in exercise of its powers as the Local Planning Authority under the above Acts and related subordinate legislation, the Council hereby gives notice that its decision is as follows:

PERMISSION IS **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with drawing No's AL(-)001 Rev M, AL (-)002 Rev F received on the 15th March 2017 and AL (00) 001 Rev F received on the ; unless as otherwise required by condition attached to this permission or allowed by way of an approval of a non-material minor amendment made on application under Section 96A of the Town and Country Planning Act 1990 (as amended).

Reason: For the avoidance of doubt and in the interests of sustainable development.

2. Within 3 months of the date of this permission the turning head on the access road shall be provided, laid out in accordance with the application drawing AL(-)002 Rev F, constructed, drained and lit and maintained throughout the life of the development free of any impediment to its designated use.

Reason: In the interests of highway safety.

3. The access, parking and manoeuvring space shall be maintained in accordance with the approved drawing AL(-)002 Rev F for the life of the development free of any impediment to its designated use.

Reason: In the interests of highway safety.

4. Within 3 months of the date of this permission a landscaping scheme for the northern and eastern boundaries of the site shall be submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the area..

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the date of this permission; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the appearance of the area.

6. Notwithstanding the submitted details, the materials stored within the external storage area shall not exceed the height of the building at 6.1metres.

Reason: In the interests of the appearance of the area.

You are advised:

1. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through suggesting amendments to overcome objections. As such it is considered that the Local Planning Authority has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

2. Swadlincote Public Footpath 44 is affected by this development and a diversion application is required and liason with the adajcent landowner Harworth Estates is recommended.

3. Where development is proposed over areas of coal and past coal workings at shallow depth, The Coal Authority is of the opinion that applicants should consider wherever possible removing the remnant shallow coal. This will enable the land to be stablised and treated by a more sustainable method; rather than by attempting to grout fill any voids and consequently unnecessarily sterilising the nation's asset.

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with 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.coal.gov.uk/services/permissions/index.cfm.

Authorised Officer of the Council

Date: 4 May 2017

YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES



NOTES

WARNING: This is a planning decision notice. It conveys no approval under any other legislation and does not override or supersede or negate that legislation or the need to comply with restrictive covenants under the Civil Law. In particular the necessary approval under the Building Regulations and the Public Health Acts must be obtained before the carrying out of building works. Where the highway, including pavement crossing, is to be altered, the Local Highway Authority (01629 580000) should be consulted for its requirements.

APPEALS TO THE SECRETARY OF STATE: If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990:

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice. However, if this is a decision to refuse planning permission for a minor commercial application (as defined by Part 1 Article 2 of the Town and Country Planning Development Management Procedure Order 2015), if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- Appeals must be made using a form which you can get from The Planning Inspectorate, Room 3/13, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at www.gov.uk/appeal-planning-decision.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

PURCHASE NOTICES: If as owner of the land you believe that the refusal of permission or approval subject to an unacceptable condition causes the land to become incapable of beneficial use in its existing state and it cannot be made capable of beneficial use by carrying out any development which has, or would be permitted, you may serve on the Council a purchase notice requiring that the Council purchases your interest in the land (Part VI of the Town and Country Planning Act 1990).

BREACH OF CONDITIONS: Once the permission has been implemented, carrying on the development in breach of any of the conditions imposed on it becomes a prosecutable offence. Therefore you are advised to take careful note of each condition with a view to compliance, including obtaining prior approval where required.

INACCURATE PLANS: If the submitted plans or other information contained in the application referred to in this Notice prove to be inaccurate, the development could be rendered impracticable and any permission granted be made invalid. A further application will be required.

CHANGES IN INTENTION: Any intended variation from the approved plans should be notified to the Council well in advance: a further permission, approval or consent may be necessary. Unauthorised variations may result in enforcement proceedings.

FURTHER INFORMATION: If you have any questions about this notice, please contact Support Services Planning Administration, direct dial (01283) 228706 of the Planning Services Department, South Derbyshire District Council, Civic Offices, Civic Way, Swadlincote, Derbyshire, DE11 0AH.