Julian Townsend
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

Roger Kerry
Chairman
Sleetmoor United Football Club
Sleetmoor Lane
Swanwick
Alfreton
DE55 1RH

Mr Tom Betts
S And C Slatter
Stephens Yard
Enborne
Newbury
Berkshire
RG20 0HA

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/2020/1029**) which was valid on the 10 November 2020 for permission for **Variation of conditions 2 and 8 of AVA/2020/0342 for an amended floodlighting scheme at Sleetmoor United FC Sleetmoor Lane Sports-ground Sleetmoor Lane Swanwick**

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 6th July 2020, the date of the original permission reference AVA/2020/0342.

   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 drawings:

Date : 11 February 2021 Signed

Julian Townsend
Executive Director (Operations)

Previously approved under AVA/2020/0342

18-0552 BM25583 04212 02 Rev 2 - Site Plan
18-0552 BM25583 0421 15 - Onsite parking layout
18-0552 BM25583 0421 01 Rev 2 - Location Plan
18-0552 BM25583 0421 03 Rev 02 - Proposed plan
18-0552 BM25583 0421 04 Rev 02 - Proposed plan
18-0552 BM25583 0421 05 Rev 05 - Development layout
18-0552 BM25583 0421 07 Rev 01 - Proposed elevations
18-0552 BM25583 0421 08 Rev 02 - Proposed elevations
18-0552 BM25583 0421 09 - Proposed welfare unit elevations
18-0552 BM25583 0421 10 - Proposed toilet unit elevations
18-0552 BM25583 0421 13 Rev 02 - Proposed playing pitch arrangement
18-0552 BM25583 0421 11 Rev 02 - Proposed surface water drainage plan
18-0552 BM25583 0421 12 - Proposed foul water drainage plan
Arboricultural Impact Assessment by rps group dated 23 May 2020

Details received on 10/11/2020

S20-208_VIVA-CITY PRO Amenity Light Datasheet, Version 4, 2019;
S20-208_AMNIS Sports Floodlight Specification Sheet;
S20-208_Obtrusive Light Breakdown_Drawing No. Design A, 20.07.2020; and
S20-208_Roadway Results_Drawing No. Design A, 20.07.2020.

Details received on 16/11/2020
S20-208_Proposed Floodlights Plan_DWG_PSP0001, Revision 01, 13.11.2020;

Reason: To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application in accordance with policy LS3, LC6 and EN15 and EN16 of the Adopted Amber Valley Borough Local Plan 2006.

3. Throughout construction, space shall be provided within the site for the storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicle, laid out and constructed in accordance with the detailed design shown on drawing S20-208 Rev.01 approved under discharge of condition request COND/2020/0154, and once implemented facilities shall be retained free from any impediment to their designated use throughout the construction period.

Date : 11 February 2021 Signed

Julian Townsend
Executive Director (Operations)

Reason: In the interest of road safety in accordance with policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

4. Before the facility, the subject of the application, is first taken in to use the existing access shall be widened to a minimum of 5.5m and a visibility splay of 2.4m x 43m in the westerly direction along Sleetmoor Lane shall be provided all in accordance with details first submitted to and approved in writing by the Local Planning Authority, the area in advance of the sightline being maintained clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.

   Reason: In the interest of road safety in accordance with policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

5. Space shall be maintained within the application site in accordance with the application drawings for the parking and manoeuvring of all visitors' vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

   Reason: In the interest of road safety in accordance with policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

6. Before the facility is first taken into use, a Parking Management Plan identifying the means of controlling onsite parking shall be submitted to and approved in writing by the Local Planning Authority. The approved Management Plan shall then be implemented throughout the life of the development.

   Reason: To ensure the provision of adequate servicing facilities in accordance with policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

7. The development shall be undertaken in accordance with the details of the air flow to the pre-fabricated toilet unit and welfare unit set 25mm above the concrete pads as shown on plans reference S20-208 DWG PSP0001.00 Proposed section plan, approved under discharge of condition request COND/2020/0154.

   Reason: Since the site has been identified as being potentially at risk from offsite ground gases and to protect human health and buildings.

8. Notwithstanding the submitted details, the floodlighting scheme for the artificial grass pitch shall operate only in accordance with the following;

Date : 11 February 2021 Signed



Julian Townsend
Executive Director (Operations)

a. The external lighting scheme shall be installed and operated in accordance with the approved scheme as detailed in the following amended documents and shall be maintained to the standard of the approved specification:
S20 - 208 - Proposed Floodlights Plan - DWG - PSP0001, Revision 01, 13.11.2020;
S20 - 208 - VIVA-CITY PRO Amenity Light Datasheet, Version 4, 2019;
S20 - 208 - AMNIS Sports Floodlight Specification Sheet;
S20 - 208 - Obtrusive Light Breakdown - Drawing No. Design A, 20.07.2020; and
S20 - 208 - Roadway Results - Drawing No. Design A, 20.07.2020.

b. No amendments shall be made to the approved lighting scheme without the prior written approval of the Local Planning Authority;

c. The external lighting scheme shall ensure that vertical illuminance levels to the facades of surrounding dwellings shall not exceed 5 Lux (including existing light trespass) between ground level and any windows of light-sensitive dwellings. The lamps must be positioned on site to minimise light trespass and glare. This situation shall be maintained as such throughout the working life of the installation;

d. The lamps shall not operate between 22:00 hours and dusk the following day (or whatever times are agreed with the Local Planning Authority in relation to use of the pitch).

e. All floodlighting shall be shrouded to prevent glare on to the public highway.

The local planning authority may require further adjustments/mitigation once the lighting comes into use if light trespass or glare cause substantiated complaints.

Reason: To ensure that the development does not appear as an unduly prominent feature in the area, in the interests of amenity in accordance with policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

9. The use hereby permitted shall be carried out within the application site only between 09:00 and 22:00 hours daily and the application site shall be cleared of all persons no later than 22:00 hours.

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

Date : 11 February 2021 Signed

Julian Townsend
Executive Director (Operations)

10. All site preparation, demolition and 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.

Date : 11 February 2021 Signed

Julian Townsend
Executive Director (Operations)

Reason: To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

11. The artificial grass pitch shall be constructed substantially in accordance with the details submitted within the application and in line with guidance and standards set out in Artificial Surfaces for Outdoor Sport, Sport England, 2012 and The Football Association (FA) Guide to 3G Football Turf Pitch Design Principles and Layouts, 2013.

Reason: To ensure the development is fit for purpose and sustainable and delivers benefits to sport in line with saved policy LC6 of the Adopted Amber Valley Borough Local Plan 2006.

Notes
Attention is drawn to the attached notes:

1 The applicant is advised to read and adhere to the comments received form the Lead Flood Authority attached to this decision.

2 The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.
It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

Date : 11 February 2021 Signed



Julian Townsend
Executive Director (Operations)

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of 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 a Coal Authority Permit for such activities is trespass, with the potential for court action.
Property-specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.
If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

3 The existence of planning permission does not mean that a statutory light nuisance cannot exist. Given the limited hours of daylight in England in the winter, the floodlighting of sports facilities to a safe level is essential and the statutory nuisance provisions of the environmental Protection Act 1990 provide a defence that the 'best practicable means' are being used to abate any nuisance. Although the advice in the 'Guidance Notes for the Reduction of Obtrusive Light, GN01:2011' (Institution of Lighting Professionals) provides some guidance, there is no statutory maximum and the acceptable level of light spillage and glare outside the application site will depend on the findings of the investigation of any complaint.

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
LS4 - Accessibility
EN5 - Protected open land
EN15 - Development and Flood Risk

Date : 11 February 2021 Signed

Julian Townsend
Executive Director (Operations)

EN16 - Pollution
EN18 - Derelict, Unstable And Contaminated Land
LC3 - Open space
LC6 - Leisure Facilities
TP1 - Impact on the Transport Network

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.

Date : 11 February 2021 Signed

Julian Townsend
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.**

pe