



**Simon Gladwin**  
**Executive Director (Operations)**  
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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/2020/0567**) which was valid on the 13 July 2020 for permission for **Installation of four cantilevered lighting columns to the football pitch at Holbrook St Michaels Football Club Mellors Lane Holbrook**

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 set out below and the conditions within this decision notice:
  - Site Location Plan drawing no. UKS16361\_5 dated 01/07/2020;
  - Amended block plan drawing no. UKS16361\_6 dated 08/07/2021;
  - Amended lighting details ref: Challenger 1 LED drawing no. HL250D15/3/CH1LED;
  - Lowered lighting details ref: Challenger 1 LED - LOWERED drawing no. HL250D15/3/CH1LED-L;
  - Lighting detail drawing no. HL250D15/2/AL600;

Date : 16 June 2022

Signed

A handwritten signature in black ink, appearing to read 'S Gladwin'.

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- Challenger 1 LED AL6100-AL6300;
- Light Impact Assessment;

**Reason:** In order to define the permission.

3. The floodlighting scheme for the grass pitch shall operate only in accordance with the following:
- a) The external lighting scheme shall be installed and operated in accordance with the approved scheme (as detailed in the 'Light Impact Assessment' (Abacus Lighting Limited, undated) and the 'Horizontal illuminance levels' drawing (UKS16361\_6, 08/07/2021) and associated documentation, or any subsequent approved amendments to them) and shall be maintained to the standard of the approved specification;
  - b) No amendments shall be made to the approved lighting scheme without the prior written approval of the Local Planning Authority; and
  - 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, and maintained as such throughout the working life of the installation.
- The local planning authority may require further adjustments/mitigation once the lighting comes into use if light spillage or glare cause substantiated complaints.

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

4. The hereby approved floodlighting shall be used for a maximum of 20 Saturday afternoon football matches and 20 weekday evening football matches/training sessions during each football season (September to April) and at no other time. The approved floodlighting shall operate for a maximum of 3 hours on these days and no later than 18:00 hours on Saturdays and 22:00 hours on weekdays.

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

5. The floodlights shall be powered from the mains electrical supply only.

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

6. Notwithstanding the hereby approved plans, the four lighting columns shall be lowered to their minimum level (as shown on lowered lighting details ref: Challenger 1 LED -

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LOWERED drawing no. HL250D15/3/CH1LED-L) between the months of April to September each calendar year.

**Reason:** To ensure the works are carried out in a way which respects the special appearance and character of the Listed Building and Conservation Area and to protect the visual amenity of the area in accordance with saved policies LS3, EN24 and EN27 of the Adopted Amber Valley Borough Local Plan 2006.

7. The hereby approved four lighting columns shall be painted black.

**Reason:** To ensure the works are carried out in a way which respects the special appearance and character of the Listed Building and Conservation Area and to protect the visual amenity of the area in accordance with saved policies LS3, EN24 and EN27 of the Adopted Amber Valley Borough Local Plan 2006.

## Notes

### Attention is drawn to the attached notes:

- 1 The Highway Authority advise the applicant that they recommend that the flood lights are shielded to prevent the light casting onto the road/lane, for the safety of drivers on both Mackeney Road and the lane/driveway.
- 2 With regards to condition 3, the Borough Council Environmental Health (Pollution) section advise the following:

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 Note 01/20: Guidance notes for the reduction of obtrusive light' (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.

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## 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  
EN2 - Green Belt  
EN7 - Landscape Character Areas  
EN16 - Pollution  
EN24 - Listed Buildings  
EN27 - Conservation Areas  
LC6 - Leisure Facilities  
TP1 - Impact on the Transport Network  
TP6 - Parking

### 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](mailto:plantprotection@cadentgas.com). Alternatively you can register on [www.beforeyoudig.nationalgrid.com](http://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](http://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.