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Development Management

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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/2022/1108**) which was valid on the 20 January 2023 for permission for **Change of use of nightclub to wedding venue including alterations and extensions to existing venue, associated reduction in hardstanding and removal of existing structures, erection of external terrace, formation of attenuation ponds, siting of 21No. accommodation units at MFN Shipley Gate Shipley.**

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 amended drawings:

   AL01B Site location plan
   AL09A Basement plan-proposed

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AL10B Ground floor plan proposed.
AL11B First floor plan proposed.
AL12B Elevations as proposed
AL14B Elevations as proposed
AL15B Block plan as proposed
AL16G Site plan as proposed
AL18F Site sections as proposed
AL19B Single bed guest accommodation -GA
AL20B Family bed guest accommodation GA
AL21B Bridal Suite guest accommodation GA
AL22G Provisional landscape plan
AL26E Proposed levels-section through attenuation ponds.
AL27I Indicative foul water drainage
AL28D Indicative foul water drainage
AL31B Site block plan as proposed
AL33B Site block plan-area volume calculations
AL34A Site block plan- area volume calculations

received on 22nd July 2024.

Reason: To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application in accordance with policies EN2 and LC3 of the Adopted Amber Valley Borough Local Plan 2006.

3. The extensions and accommodation pods shall be constructed and finished in accordance with the materials as stated on the hereby approved drawings unless otherwise agreed in writing by the Local Planning Authority. The development shall be carried out with those materials.

Reason: To ensure the satisfactory appearance of the completed development in accordance with policies LS3 and EN2 of the Adopted Amber Valley Borough Local Plan 2006 and paragraph 135 of the NPPF.

4. If during development works any contamination should be encountered which was not previously identified is found to be present on site, no further development shall take place until a Scheme for Investigation of the potential land contamination is submitted in writing and approved by the Local Planning Authority which shall include how the unsuspected contamination shall be dealt with. Any remediation works shall be carried out prior to the first use of the site as a wedding venue.

Reason: In the interests of safeguarding the proposed development and adjacent properties from the possible harmful effects of development affecting contaminated

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land, in accordance with the advice contained in Department of the Environments Circular 21/87 "Development of Contaminated Land" in accordance with policy EN18 of the Adopted Amber Valley Borough Local Plan 2006 and paragraph 189 of the NPPF.

5. The development hereby approved, shall be constructed in accordance with the surface water drainage principles outlined within the approved Flood Risk Assessment ref ST19938, Version 2, September 2023, compiled by Wardell Armstrong "including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team" and DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015).

   Reason: To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal in accordance with policy EN18 of the Adopted Amber Valley Local Plan 2006 and paragraph 173 of the NPPF.

6. The attenuation pond and lake should not be brought into use until such a time as it is fully designed and constructed in line with CIRIA SuDS manual C753 and to the agreed specifications within the approved document Flood Risk Assessment. (Wardell-Armstrong. September 2023, ST19938/0001/Final -Version 002), and an associated management and maintenance plan, in line with CIRIA SuDS Manual C753 shall be submitted to and approved in writing by the Local Planning Authority.

   Reason: To ensure that the proposed attenuation pond does not increase flood risk, that the principles of sustainable drainage are incorporated into the proposal, the system is operational prior to first use and that maintenance and management of the sustainable drainage systems is secured for the future in accordance with Policy 15 of the Adopted Amber Valley Borough Local Plan 2006 and paragraph 173 of the NPPF.

7. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

   Reason: To ensure that the drainage system is constructed to the national Non-statutory technical standards for sustainable drainage and CIRIA standards C753 in accordance with Policy 15 of the Adopted Amber Valley Borough Local Plan 2006 and paragraph 173 of the NPPF.

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8. The development shall be carried out in accordance with the submitted Flood Risk Assessment (ref ST19938, Version 2, September 2023, compiled by Wardell Armstrong) and the following mitigation measures it details:
   - Finished floor levels shall be set no lower than 55.78 metres above Ordnance Datum (AOD)
   - Compensatory storage shall be provided as per section 7.2 of the Flood Risk Assessment to account for the ground raising associated with the development proposals.
   - There shall be no development classed as 'more vulnerable' or 'less vulnerable' located in flood zone 3b.
   - These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

   Reason: To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided in accordance with Policy EN15 of the Adopted Amber Valley Borough Local Plan 2006 and paragraph 173 of the NPPF.

9. Notwithstanding the submitted indicative landscaping plan, drg no AL22 G, no above ground development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme for both hard and soft landscaping including all boundary treatments, biodiversity enhancements, additional tree screening alongside the northern boundary and the proposed wildflower meadow detailing the mix of planting including individual species (see advisory note no 16).
   The biodiversity enhancements should be implemented in accordance with the approved details and all features retained in that manner thereafter.
   All planting, seeding or turfing indicated on the approved landscaping scheme shall be carried out prior to the development being brought into use. 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: To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings in accordance with policy EN8 and EN13 of the Adopted Amber Valley Borough Local Plan 2006 and paragraphs 180 and 186 of the NPPF.

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10. The hereby approved car parking arrangements shall be laid out and hard surfaced and the car parking spaces shall be delineated prior to the approved development is first used. That area shall not thereafter be used for any purpose other than the parking of vehicles.

    Reason: To ensure adequate off-street car parking, in the interests of road safety in accordance with policies TP1 and TP6 of the Adopted Amber Valley Borough Local Plan 2006.

11. Prior to the first use of the building as a Wedding Venue, a Noise Management Plan (based on the proposals in section 7.0 of the 'Noise Impact Assessment' (Ref: 403.064610.00001, SLR, December 2022) shall be submitted to, and agreed in writing by, the Local Planning Authority specifying the provisions that will be implemented for the control of noise emanating from the site (see advisory note no 17);
    a) The development shall be carried out and maintained in accordance with the approved details and all noise mitigation measures completed under the supervision of an acoustic engineer;
    b) All activities shall be conducted in accordance with the approved Noise Management Plan for the life of the development and shall not be altered without the prior written approval of the Local Planning Authority; and
    c) The approved Noise Management Plan shall be reviewed annually for a period of 5 years from the start of commercial operations on the site.

    Reason: In the interests of residential amenity and in accordance with Policy EN15 of the adopted amber Valley local Plan 2006 and paragraph 191 of the NPPF.

12. Notwithstanding the provisions of Schedule 2, Part 2, Class G of the Town & Country Planning (General Permitted Development) Order 2015 (or any other Order revoking and re-enacting that Order), no marquee, tent, tepee, yurt or other temporary structures with a similar use shall be erected on site.

    Reason: in the interests of residential amenity in accordance with Policy EN16 of the Adopted Amber Valley Borough Local Plan and paragraph 191 of the NPPF.

13. No further externally mounted/ducted plant, machinery or equipment, other than that shown on the approved drawings, shall be installed.

    Reason: in the interests of residential amenity in accordance with Policy EN16 of the Adopted Amber Valley Borough Local Plan and paragraph 191 of the NPPF.

14. All engineering and construction activities shall comply with the following:

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a) Operating hours:
No works, or deliveries to and from the site, shall occur other than between 08:00 and 18:00hrs on weekdays and between 08:00 and 13:00hrs 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 the guidance in British Standard BS 5228-1:2009+A1:2014 'Code of practice for noise and vibration control on construction and open sites - Part 1: Noise' (Section 8 and Annex B) and Part 2: Vibration' (Section 8);
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. Internal haul roads shall be hard-surfaced and regularly swept, at least once daily, and cleaned by mechanical road sweepers with an adequate filtration system and water supply to minimise the impact of dust/mud on sensitive receptors on- and off-site: under no circumstances shall a sweeper be operated dry, without an adequate water supply;
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.

Reason: in the interests of residential amenity in accordance with Policy EN16 of the Adopted Amber Valley Borough Local Plan and paragraph 191 of the NPPF.

15. No permanent external lighting shall be installed until a Lighting Scheme has been submitted to, and approved in writing by, the Local Planning Authority (see advisory note no 16). All works shall be fully implemented in accordance with the approved scheme before its use commences, positioned on site to minimise light trespass and glare, and maintained as such throughout the working life of the installation.
The lighting must be and maintained in such position.

Reason: in the interests of residential amenity and safety in accordance with Policy EN16 of the Adopted Amber Valley Borough Local Plan and paragraph 191 of the NPPF.

16. The guest accommodation is granted for a temporary period to be used solely as accommodation ancillary to the associated primary use of the development as a

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Wedding Venue and shall not be used for any other independent and unconnected purposes. The accommodation pods shall be removed from the site and the area used for their siting shall be re-instated as an area of soft landscaping within 12 months of the primary use ceasing to operate for the purposes as set out in the application.

Reason: This permission is given in view of the use of the building as a wedding venue with ancillary guest accommodation, the use of such accommodation as independent holiday accommodation would not normally be permitted on this site due to the relationship to existing dwellings in accordance with policies EN2, LS3 and EN15 of the Adopted Amber Valley Borough Local Plan 2006 and paragraphs 152 and 191 of the NPPF

17. No development shall take place (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
a) Risk assessment of potentially damaging construction activities.
b) Identification of "biodiversity protection zones".
c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
d) The location and timing of sensitive works to avoid harm to biodiversity features.
e) The times during construction when specialist ecologists need to be present on site to oversee works.
f) Responsible persons and lines of communication.
g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of the ecological and future biodiversity interests of the site in accordance with paragraphs 180 and 186 of the NPPF.

18. Prior to the development being first brought into use, a Habitat Management and Monitoring Plan (HMMP) which includes an appropriate monitoring regime, shall be submitted to and approved in writing by, the Local planning Authority and the approved HMMP shall be adhered to throughout the lifetime of the development (see advisory note No 10).

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The HHMP shall identify the habitats to be retained, created and / or enhanced on the site and specify the appropriate management prescriptions to secure the predicted condition targets, as per the approved biodiversity metric for the application. The HMMP shall also set out a monitoring schedule to ensure targets are met and remedial actions to take if not.

Reason: In the interests of the ecological and future biodiversity interests of the site in accordance with paragraphs 180 and 186 of the NPPF.

Notes

Attention is drawn to the attached notes:

1 A. The County Council does not adopt any SuDS schemes at present (although may consider ones which are served by highway drainage only). As such, it should be confirmed prior to commencement of works who will be responsible for SuDS maintenance/management once the development is completed.
B. Any works in or nearby an ordinary watercourse may require consent under the Land Drainage Act (1991) from the County Council. For further advice, or to make an application please contact Flood.Team@derbyshire.gov.uk.
C. No part of the proposed development shall be constructed within 5-8m of an ordinary watercourse and a minimum 3 m for a culverted watercourse (increases with size of culvert).
It should be noted that DCC have an anti-culverting policy.
D. The applicant should be mindful to obtain all the relevant information pertaining to proposed discharge in land that is not within their control, which is fundamental to allow the drainage of the proposed development site.
E. The applicant should demonstrate, to the satisfaction of the Local Planning Authority, the appropriate level of treatment stages from the resultant surface water discharge, in line with Table 4.3 of the CIRIA SuDS Manual C753.
F. The County Council would prefer the applicant to utilise existing landform to manage surface water in mini/sub-catchments. The applicant is advised to contact the County Council's Flood Risk Management team should any guidance on the drainage strategy for the
proposed development be required.
G. The applicant should provide a flood evacuation plan which outlines:

- The flood warning procedure
- A safe point of extraction
- How users can safely evacuate the site upon receipt of a flood warning
- The areas of responsibility for those participating in the plan
- The procedures for implementing the plan
- How users will be made aware of flood risk

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- How users will be made aware of flood resilience
- Who will be responsible for the update of the flood evacuation plan

H. Flood resilience should be duly considered in the design of the new building(s) or renovation. Guidance may be found in BRE Digest 532 Parts 1 and 2, 2012 and BRE Good Building Guide 84.

I. Surface water drainage plans should include the following:

- Rainwater pipes, gullies and drainage channels including cover levels.
- Inspection chambers, manholes and silt traps including cover and invert levels.
- Pipe sizes, pipe materials, gradients, flow directions and pipe numbers.
- Soakaways, including size and material.
- Typical inspection chamber / soakaway / silt trap and SW attenuation details.
- Site ground levels and finished floor levels.

J. On Site Surface Water Management;

- The site is required to accommodate rainfall volumes up to the 1% probability annual
- rainfall event (plus climate change) whilst ensuring no flooding to buildings or adjacent
- land.
- The applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas, etc, to demonstrate how the 30 year + 35% climate change and 100 year + 40% Climate Change
- rainfall volumes will be controlled and accommodated. In addition, an appropriate allowance should be made for urban creep throughout the lifetime of the development as per 'BS 8582:2013 Code of Practice for Surface Water Management for Developed Sites' (to be agreed with the LLFA).
- Production of a plan showing above ground flood pathways (where relevant) for events in excess of the 1% probability annual rainfall event, to ensure exceedance routes can be safely managed.
- A plan detailing the impermeable area attributed to each drainage asset (pipes, swales, etc), attenuation basins/balancing ponds are to be treated as an impermeable area.

2 For greenfield developments, the peak run-off rate from the development to any highway drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 years rainfall event, should never exceed the peak greenfield run-off rate for the same event.

For developments which were previously developed, the peak run-off rate from the development to any drain, sewer or surface water body for the 100% probability annual rainfall event and the 1% probability annual rainfall event must be as close as reasonably practicable to the greenfield run-off rate from the development for the same

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rainfall event but should never exceed the rate of discharge from the development, prior to redevelopment for that event.

3 For greenfield developments, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hours 1% probability annual rainfall event must not exceed the greenfield runoff volume for the same event.
For developments which have been previously developed, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hours 1% probability annual rainfall event must be constrained to a value as close as is reasonably practicable to the greenfield runoff volume for the same event but, must not exceed the runoff volume for the development site prior to redevelopment for that event.
Note:- If the greenfield run-off for a site is calculated at less than 2 l/s, then a minimum of
2 l/s could be used (subject to approval from the LLFA).
Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional.
Where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning signage should be provided to inform of its presence. Cellular storage and infiltration systems should not be positioned within the highway.
Guidance on flood pathways can be found in BS EN 752.
The Greenfield runoff rate which is to be used for assessing the requirements for limiting discharge flow rates and attenuation storage for a site should be calculated for the whole development area (paved and pervious surfaces - houses, gardens, roads, and other open space) that is within the area served by the drainage network, whatever the size of the site and type of drainage system. Significant green areas such as recreation parks, general public open space, etc., which are not served by the drainage system and do not play a part in the runoff management for the site, and which can be assumed to have a runoff response which is similar to that prior to the development taking place, may be excluded from the greenfield analysis.
K. If infiltration systems are to be used for surface water disposal, the following information must be provided:
Ground percolation tests to BRE 365.
Ground water levels records. Minimum 1m clearance from maximum seasonal groundwater level to base of infiltration compound. This should include assessment of relevant groundwater borehole records, maps and on-site monitoring in wells.
Soil / rock descriptions in accordance with BS EN ISO 14688-1:2002 or BS EN ISO 14689-
1:2003.

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Volume design calculations to 1% probability annual rainfall event + 40% climate change standard. An appropriate factor of safety should be applied to the design in accordance with CIRIA C753 - Table 25.2
Location plans indicating position (soakaways serving more than one property must be located in an accessible position for maintenance). Soakaways should not be used within 5m of buildings or the highway or any other structure.
Drawing details including sizes and material.
Details of a sedimentation chamber (silt trap) upstream of the inlet should be included.
Soakaway detailed design guidance is given in CIRIA Report 753, CIRIA Report 156 and BRE Digest 365.
L. All Micro Drainage calculations and results must be submitted in .MDX format, to the LPA.
(Other methods of drainage calculations are acceptable.)
M. The applicant should submit a comprehensive management plan detailing how surface water shall be managed on site during the construction phase of the development ensuring there is no increase in flood risk off site or to occupied buildings within the development.
N. The applicant should manage construction activities in line with the CIRIA Guidance on the Construction of SuDS Manual C768, to ensure that the effectiveness of proposed SuDS features is not compromised.

4 The granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before the EA are in a position to decide whether to grant a permit or not.

5 The EA do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/ users covered by our flood warning network.
It is strongly advised that the site should close should a flood warning be received. The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning or visit https://www.gov.uk/sign-up-for-flood-warnings. It's a free service
that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up.

Flood warnings can give people valuable time to prepare for flooding - time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

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For practical advice on preparing for a flood, visit https://www.gov.uk/prepare-forflooding.To get help during a flood, visit https://www.gov.uk/help-during-flood. For advice on what do after a flood, visit https://www.gov.uk/after-flood.

6 Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.
This response only relates to the public wastewater network and does not include representation from other areas of Severn Trent Water, such as the provision of water supply or the protection of drinking water quality.

7 Applications that are likely to generate an increase in trips under railway bridges may be of concern to Network Rail where there is potential for an increase in bridge strikes. It is imperative that bridge strikes by high/large/wide vehicles are avoided. They cause delays to passengers as well as costs to inspect and repair the affected structures. Consultation with the Asset Protection Project Manager may be necessary to understand if there is a problem. If required there may be a need to fit bridge protection barriers which may be at the developer's expense.

8 The bridleway and footpaths must remain open, unobstructed and on their legal alignments. There should be no disturbance to the path surfaces without prior authorisation from the Rights of Way Section. Consideration should be given to the safety of members of the public using the paths during the works. A temporary closure of paths will be permitted on application to DCC where the path(s)
remain unaffected on completion of the development.

There should be no encroachment of the paths, and no fencing should be installed without consulting the Rights of Way Section. In particular, it is essential that a minimum 4.5 metre width is maintained along Bridleway 24, as this is the legal width as per the Definitive Statement.

9 For a footpath or bridleway to remain open and unobstructed, they need to allow easy passage along them for path users. For footpaths this refers to pedestrians, including pushchairs and mobility scooters, for bridleways this would also include cyclists and horse riders. Taking physical steps that prevent vehicle access, but still allow the legitimate use of the footpath or bridleway, are acceptable. Therefore, the footpath and bridleway can remain open and unobstructed, whilst adequate physical steps can also

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be taken to prevent vehicular access. Bollards are often used in this type of scenario, but any proposed method should be agreed with Public Rights of Way in advance of installation, as there will be minimum widths to be considered, as well as possible access requirements for vehicles that have may a legitimate reason for accessing the PROW, such as for maintenance.

10 Guidance on producing an HMMP can be found here: https://www.gov.uk/guidance/creating-a-habitat-management-and-monitoring-plan-for-biodiversity-net-gain

11 The applicant is advised that the responsibility for safe development and secure occupancy of the site rests with the developer. The Local Planning Authority has determined the application on the basis of the information available to it but this does not mean that the land is free from contamination. A copy of Circular 21/87 and extract from Waste Management Paper No. 27 is attached for information and attention.

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

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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

Informative Note valid until 31st December 2020

13 It is an offence under the Wildlife and Countryside Act 1981, as amended, to introduce, plant or cause to grow wild any plant listed in Schedule 9, Part 2 of the Act. Japanese Knotweed is included within this schedule. All Japanese Knotweed waste (the plant itself or
material containing its rhizomes) is classed as a controlled/special waste and therefore needs to be disposed of in accordance with the Environmental Protection Act 1990 and the Environmental Protection Act Duty of Care Regulations 1991.
It is advised that an adequate means of eradicating or containing the spread of the plant is implemented to prevent further spread of the plant which would have a negative impact on biodiversity and existing or proposed landscape feature.

14 If plans change to include the removal of trees, the trees should be assessed prior to clearance to assess the suitability of roosting bats by a licensed ecologist. Depending on the results, further survey works may be required.

Should the development works encroach within 10m of Erewash Canal, further survey works pertaining to otter and water vole may be required.

15 The verification report must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

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16 The landscaping plan in relation to biodiversity enhancement, shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following Biodiversity Enhancement features:

- 18 x Bird Boxes (5 x Integrated boxes erected onto the wedding venue building) avoiding southern elevations
- 10 x Bat Boxes (2 x Integrated boxes erected onto the wedding venue building) favouring southern elevations
- Deadwood / log piles
- Reptile and Amphibian Hibernacula
- Earth Bunds

17 The Noise Management Plan shall contain appropriate measures for the control of external noise and include the following;

a) A member of staff shall be present on site at all times to supervise overnight guests and take appropriate action to ensure that there is no significant noise after 22:00hrs, including music.

b) The event areas shall not be open to customers other than between 09:30 and 00:30hrs daily, and between 09:30 and 02:00hrs on New Year's Eve/Day, with the exception of those customers staying overnight in the permitted accommodation units;

c) No entertainment shall be provided between 00:01 and 09:30hrs on any night, other than between 02:00 hours on New Years Eve/Day

d) Maximum occupancy of the premises shall not exceed 220 guests at any one time. The number of overnight guests shall not exceed 45;

e) No more than one event shall be permitted per day; and

f) Both road barriers (near Station House and Boat Inn Farm) shall remain in place and all customers shall enter and leave via the southern (Shipley) access route

g) No amplified sound (music or voices) or percussion instruments shall be permitted outdoors (for the avoidance of doubt, this includes any speakers located on the outside of the building or directed outwards from windows) other than as part of an outdoor wedding ceremony;

h) No vehicle radios, music systems or horns shall be used on site at any time; and

i) No social activities shall take place in outdoor areas, including at the accommodation units, after 23:00hrs.

j No fireworks, pyrotechnics, flares, laser light display, searchlights; or bonfires, campfires, sky lanterns, shall be permitted on the site.

k) A noise complaints procedure shall be implemented, and a log of noise complaints and responses kept on site and available to view.

18 The lighting scheme should provide the following information:

a) A site plan showing the proposed locations and mounting heights of all external luminaires;

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S Gladwin

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Chief Executive

b) Full details, including pictures, of all external luminaires to be installed;
c) A site plan plotting predicted horizontal and vertical illuminance levels (in lux) across the site boundaries and at the nearest light-sensitive dwellings around the new installation (including existing light trespass);
d) The tilt angle of all external luminaires; the proposals for addressing glare (e.g. appropriate height; bulb type; minimal aiming angles; use of a cowl/hood/shield/integral louvres); and the incorporation of a 'dark skies friendly' fitting with an Upward Light Ratio (ULR) of 0% to limit sky glow and minimise visual intrusion in the open landscape;
e) Operating times, including the use of timers or passive infra-red detectors

19 The CEMP (Biodiversity) shall include the following.
a) Risk assessment of potentially damaging construction activities.
b) Identification of "biodiversity protection zones".
c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
d) The location and timing of sensitive works to avoid harm to biodiversity features.
e) The times during construction when specialist ecologists need to be present on site to oversee works.
f) Responsible persons and lines of communication.
g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
h) Use of protective fences, exclusion barriers and warning signs.

20 No kitchen extraction system has been assessed. Should a kitchen extraction system be required including external plant/flues, this would be subject to a separate planning permission. Future systems should be designed to achieve a 'Low Impact Risk' when odour nuisance is assessed in accordance with EMAQ's best practice document: 'Control of odour and noise from commercial kitchen exhaust systems'.

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:

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

Date : 29 August 2024

Signed

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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 : 29 August 2024

Signed

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Chief Executive

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.