Simon Gladwin
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

Mr Haydn Short
Omnivale Limited
Manor House Farm
East Drayton
Retford
Nottinghamshire
DN22 0LG

Our Ref: AVA/2025/0779
Your Ref:
Date: 4 December 2025
Ask For: Alfia Cox
Direct Dial:
Email: alfia.cox@ambervalley.gov.uk

Dear Mr Short

Proposal	**Non material amendment to AVA/2014/0999 for minor amendment to the wording of outline condition 27 that will maintain equivalent noise mitigation amenity protection for future scheme residents in line with the originally drafted condition, yet does not adversely prejudice the operation of surrounding industrial premises including the STOR facility on Rensons Way on the Loscoe Industrial Estate.**
Location	**Newlands Loscoe Fields Land North Of Fall Road Heanor Derbyshire**
Applicant	**Mr Haydn Short**
Agent	**Mr Michael Downes**

Thank you for your application, which was received and registered as valid on 6 November 2025

In pursuance of their powers under the Town and Country Planning Act 1990 and Town and Country Planning Development Management Procedure Order 2015 as amended, Amber Valley Borough Council, as Local Planning Authority, hereby **APPROVES** a Non-Material Amendment for the development as described in your application.

The consent is subject to compliance with the following condition:

Condition 27

All dwellings on the site shall be protected from all noise sources such that the following noise levels are not exceeded:

1. *55dB LAeq, 1 hour (free field) in outdoor living areas between 07:00 and 23:00 hours;*
2. *35dB LAeq, 1 hour inside living rooms and bedrooms between 07:00 and 23:00 hours;*
3. *40dB LAeg, 1 hour inside dining rooms/areas between 07:00and 23:00; and*

4. *30dB LAeq, 30 minutes, and an LAmax of 45dB which should not be exceeded more than ten times a night, in bedrooms between 23:00 and 07:00 hours;*

During the daytime period (07:00-23:00), those dwellings where industrial and/or commercial noise is 'dominant' (i.e. where the impact would be rated as adverse or greater) shall be protected from that noise such that as assessment carried out in accordance with British Standard 4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound' does not exceed the background sound level at dwelling locations. The background sound level shall not include operational noise from the power generating and energy storage facility which shall be regarded as a specific sound source for the purpose of BS4142 assessment.

During the night-time period (23:00-07:00), for those dwellings where industrial and/or commercial noise is 'dominant', the rating level (as defined in BS4142) should not exceed 30dB LAr, 30 mins in bedrooms.

Development shall not begin until the individual noise-sensitive premises have been identified and details of the noise mitigation measures necessary to comply with the above have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out, and maintained, in accordance with the approved details and the works completed under the supervision of an acoustic engineer.

Should the proposals for the site layout, levels, building design or construction alter from that on which the agreed assessment is based, a further audit of the noise assessment and proposed mitigation measures shall be submitted to, and approved in writing by, the Local Planning Authority before construction of any amended buildings commences.

A further acoustic report verifying compliance with the above noise levels at agreed representative premises, determined by measurement (and/or calculation where agreed with the Local Planning Authority), shall be submitted to, and approved in writing by, the Local Planning Authority before occupation of any of the dwellings.

For those dwellings where industrial and/or commercial noise is 'dominant', the developer shall notify prospective occupants of the dwellings of the standard of sound insulation installed and, where necessary, of the need to keep windows and doors closed, using the alternative ventilation provided, to obtain its full benefit.

Please note that the original permission still stands and should be read in conjunction with the decision letter on this application.

I trust this information is of use.

Yours sincerely

S Gladwin

Simon Gladwin
Director of Operations

Authorised Officer of the Council

Attention is drawn to the attached notes.

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 12 weeks (for householder appeals) or six months (for other applications). Appeals against non-determination must be made within six months of the end of the determination period (i.e. 8/13/16 weeks). 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. 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.
3. 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.
4. 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.
5. 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
6. 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.
7. 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.
8. 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”.
9. 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.
10. 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.