S Gladwin
Chief Executive
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 and Mrs Allen
Spring Bank
Ambergate
Belper
Derbyshire
DE56 2GD

Mr Phillip Richards
Planning Geek Ltd.
Unit 55
Waterham Business Park
Waterham
ME13 9EJ

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/2025/0740**) which was valid on the 24 October 2025 for permission for **Variation of condition 4 (approved landscape plan) and 5 (wording regarding vehicular access) of AVA/2019/0301 at Land At Derby Road Derby Road Ambergate**

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 carried out only in accordance with the details and specifications shown on approved drawings of AVA/2024/0623:-
   Plot 1 second floor plan 11-02 Rev PL1 received 04.09.2024
   Plot 1 roof plan 11-03 Rev PL1 received 04.09.2024
   Plot 1 elevations A and C 21-00 Rev PL1 received 04.09.2024
   Plot 1 first floor plan 11-01 Rev PL1 received 04.09.2024
   Plot 1 ground floor plan 11-00 Rev PL1 received 04.09.2024
   Plot 2 elevations A and C 21-00 Rev PL1 received 04.09.2024
   Plot 2 ground floor plan 11-00 PL1 received 04.09.2024
   Plot 2 elevations B and D 21-01 Rev PL1 received 04.09.2024
   Plot 3 elevation A and C 21-00 Rev PL1 received 04.09.2024
   Plot 3 ground floor plan 11-01 Rev PL1 received 04.09.2024
   Plot 3 elevations B and D 21-01Rev PL1 received 04.09.2024
   Plot 3 roof plan 11-02 Rev PL1 received 04.09.2024

Date : 5 January 2026

Signed

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Plot 3 basement floor plan 11-00 Rev PL1 received 04.09.2024
and amended drawings:-
Plot 2 First floor plan 11-01 Rev PL2 received 15.10.2024
Plot 2 Roof Plan 11-02 Rev PL2 received 15.10.2024
Site Plan 08-00 Rev PL2 received 15.10.2024
Landscaping plan received 11.11.2025
Plot 1 GA elevations B and D 21-01 PL2 received 22.10.2024

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

2. Prior to occupation of any dwelling, space shall be provided within the site curtilage for the off-street parking and manoeuvring of the hereby approved dwellings and car parking for 77 and 73 Derby Road. The car parking provision shall be retained for the life of the development fully in accordance with the approved details.

   Reason: To provide for an adequate standard of off-street parking to serve the development in accordance with policy TP6 of the Adopted Amber Valley Borough Local Plan 2006.

3. Prior to the first occupation of any approved dwelling, the existing vehicular access to Derby Road shall be modified in accordance with the revised application drawing number 10-01 Revision B, laid out, constructed in a hard-bound material over a length of 5m measured from the highway boundary, and provided with visibility splays of 2.4m x 43m in both directions all within the controlled site frontage and measured to a point 1m in to the carriageway. The area in advance of the sightlines shall be 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, and there shall be no gates or other form of barrier within 10m of the nearside highway boundary and any gates or barrier shall open inwards only.

   Reason: In the interest of highway safety.

Notes
Attention is drawn to the attached notes:

1 The deposit of mud or other items, and/or the discharge of water, onto the public highway are offences under Sections 149 and 151, Highways Act 1980. The applicant, any contractors, and the owner/occupier of the land must therefore ensure that nothing is deposited on the highway, nor that any soil or refuse etc is washed onto the highway, from the site. Failure to prevent this may force the highway authority to take

Date : 5 January 2026

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both practical and legal action (which may include prosecution) against the applicant/contractors/owner or occupier of the land

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:

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In detail:

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.

The National Planning Policy Framework (NPPF) is a material consideration in planning decisions. In accordance with Paragraph 39 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.

Date : 5 January 2026

Signed

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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. 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.