S Gladwin
Chief Executive
Development Management

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Mr Aliks Galstjans
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Mr Andrew Stock
Stock Planning

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/2025/0519**) which was valid on the 24 July 2025 for permission for **Proposed demolition of existing agricultural buildings and erection of four new dwellings with associated accesses, gardens, garages and parking' at Nether House Farm Hillcliff Lane Turnditch**

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 amended drawings identified as:
   5 Bedroom house Plots 1 and 2 received 17.12.2025
   5 bedroom house Plot No 3 received 27.02.2026
   5 bedroom house Plot No 4 received 17.12.2025
   Site plan received 17.12.2025
   Site sections Plots 1 and 2 Rev A received 17.12.2025

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Site sections Plots 3 and 4 Rev B received 27.02.2026
Garages plots 1, 2, and 3 received 17.12.2025
Garages plot 4 received 27.02.2026
Location plan received 17.12.2025
Site plan proposed Rev C received 27.02.2026
Front and rear elevations sections Rev B received 27.02.2026
Landscaping drawing AW0366-NHF-L-DR-1001 Rev B received 27.02.2026

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.

3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details and/or samples of the materials and finishes to be used for the external elevations and roof of the proposal, and 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 H12 of the Adopted Amber Valley Borough Local Plan 2006.

4. Prior to the commencement of development, a Habitat Management and Monitoring Plan (HMMP) shall be submitted to and agreed in writing by the Local Planning Authority. The (HMMP) shall identify habitats to be retained, created and or enhanced on or off 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.

   The proposed HMMP shall be implemented in full and shall be maintained for a minimum of 30 years after the development is completed.

   Reason: In the interests of ensuring measurable net gains to biodiversity and in accordance with the National Planning Policy Framework and Schedule 7A Town and Country Planning Act (inserted by the Environment Act 2021).

5. No development shall take place until a Biodiversity Gain Plan has been submitted to and agreed in writing by the Local Planning Authority.

   The proposed enhancement measures shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

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Reason: In the interests of ensuring measurable net gains to biodiversity and in accordance with the National Planning Policy Framework and Schedule 7A Town and Country Planning Act (inserted by the Environment Act 2021).

6. The development shall be carried out in strict accordance with the mitigation measures detailed in section 6.2 of the Ecological Impact Assessment report prepared by Brindle & Green (July 2025) inclusive of the pre-commencement badger, nesting bird and barn owl surveys. The results of the pre-commencement surveys and any appropriate mitigation/licensing requirements shall be submitted to the Local Planning Authority for approval. Any amendments should be agreed in writing.

   Reason: To ensure the development does not have an adverse impact upon species specifically protected under the schedules of the Wildlife and Countryside Act 1981 in accordance with saved policy EN13 and to improve the biodiversity of the local area in accordance with saved policy EN13 of the Adopted Amber Valley Borough Local Plan 2006.

7. Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority to safeguard bats and other nocturnal wildlife. Such approved measures will be implemented in full.

   Reason: To ensure the development does not have an adverse impact upon species specifically protected under the schedules of the Wildlife and Countryside Act 1981 in accordance with saved policy EN13 and to improve the biodiversity of the local area in accordance with saved policy EN13 of the Adopted Amber Valley Borough Local Plan 2006.

8. Prior to building works commencing above foundation level, a Species Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. Approved measures shall be implemented in full and maintained thereafter.

   Reason: To improve the biodiversity of the local area in accordance with saved policy EN13 of the Adopted Amber Valley Borough Local Plan 2006.

9. The development hereby permitted shall not be brought into use until the access, parking, and turning facilities have been provided as shown on drawing A101 Rev B.

   Reason: To ensure conformity with submitted details and to ensure that access to the development is not taken from the eastern agricultural access.

10. The development hereby approved shall not be brought into use until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to

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the application site and 2.4m back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 72m to the east and 87m to the west along Hillcliff Lane, measured along the nearside edge of the adjacent carriageway. These splays shall thereafter be permanently kept free of all obstructions over 0.6m in height above adjacent carriageway level.

Reason: In the interests of highway safety in accordance with saved policy TP1 of the adopted Local Plan 2006.

11. No part of the development hereby permitted shall be brought into use until a hard surfaced crossing to serve the driveway from public highway is available for use and has been constructed in accordance with the details shown on drawing number AW0366 - NHF - L - DR - 1001

    Reason: In the interest of highway safety in accordance with saved policy TP1 of the Adopted Local Plan

12. No part of the development hereby permitted shall be brought into use until the driveway is surfaced in a bound material, along the full width of the driveway for a minimum length of 5m within the site measured from the highway boundary, in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. This area of driveway shall be maintained in the bound material for the life of the development.

    Reason: In the interest of highway safety in accordance with the Adopted Local Plan 2006.

13. No part of the development hereby permitted shall be brought into use until provision has been made within the application site for secure, covered cycle parking, secure cycle equipment storage, and electric vehicle charging facilities in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall not thereafter be used for any other purpose and shall be maintained for the life of the development.

    Reason: In the interest of highway safety and furthering travel by sustainable modes.

14. The development hereby permitted shall not be brought into use until a hard paved bin collection/store point has been provided, adjacent to and clear of the public highway, site access, parking and turning provision. The facility shall be maintained thereafter free from impediment to designated use.

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Reason: To ensure safe and suitable conditions are maintained on the public highway, in the interests of highway safety, and to ensure appropriate waste/refuse facilities are provided for the occupiers of the development.

15. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that Order) no development relating to Class A, B, C, D or E of Part 1 of Schedule 2 (erection of extensions; alterations to the roof; buildings incidental to the enjoyment of the dwelling house; the insertion, enlargement, improvement or replacement of windows or doors; erection or construction of a porch) or the provision of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that Order) no development relating to Class A of Part 2 of Schedule 2 (erection of walls, fences, enclosures) shall be undertaken without the prior written approval of the Local Planning Authority.

    Reason: To protect the character and visual amenities of the locality in accordance with policy LS3 and EN6 of the Adopted Amber Valley Borough Local Plan 2006.

16. As per the amended drawing received 27.02.2026, the garage door to plot 4 shall be vertical timber boarding, of which full details shall be submitted to and approved in writing by the Local Planning Authority the development shall be carried out with those approved materials and shall remain in perpetuity.

    Reason: To ensure the satisfactory appearance of the completed development in accordance with policies LS3 and EN6 of the Adopted Amber Valley Borough Local Plan 2006.

17. Notwithstanding the submitted drawings full details of the surfacing materials to be used for the access, driveway and hardstanding areas shall be submitted to and approved in writing by the Local Planning Authority the development shall be carried out with those approved materials.

    Reason: To ensure the satisfactory appearance of the completed development in accordance with policies LS3 and EN6 of the Adopted Amber Valley Borough Local Plan 2006.

18. Notwithstanding the submitted drawings all windows shall be aluminium, of which full details shall be submitted to and approved in writing by the Local Planning Authority the development shall be carried out with those approved materials and shall remain in perpetuity.

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Reason: To ensure the satisfactory appearance of the completed development in accordance with policies LS3 and EN6 of the Adopted Amber Valley Borough Local Plan 2006.

Notes
Attention is drawn to the attached notes:

1 The applicant is advised of the following:

o The footpath must remain open, unobstructed and on its legal alignment.
o There should be no disturbance to the path surface without prior authorisation from the Rights of Way Section.
o Consideration should be given to the safety of members of the public using the path during and after 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.
o There should be no encroachment of the path, and no fencing should be installed without consulting the Rights of Way section.

2 Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/our-services/gas-diversions

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

3 The content of the Biodiversity Net Gain report shall include the following:

-Baseline data collection and assessment of current conditions on site;
-A commitment to measures in line with the Mitigation Hierarchy and evidence of how Biodiversity Net Gain (BNG) Principles have been applied to maximise benefits to biodiversity;
-Provision of the full BNG calculations, with detailed justifications for the choice of habitat types, distinctiveness and condition, connectivity and ecological functionality;

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-Details of the implementation measures and management of proposals;
-Details of any off-site provision to be secured by a planning obligation;
-Details of the monitoring and auditing measures.

4 In regard to condition 7 the lighting scheme should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of light spill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023).

5 In regard to condition 8 The Plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:

o integrated universal nest boxes / swift bricks at ratio of 1:1, in line with British Standard 42021:2022 in new dwellings at eaves level, avoiding southern elevations
o integrated bat boxes in new dwellings at eaves level, favouring southern elevations.
o 1No. barn owl box installed on a suitable mature tree within the site or ownership, avoiding southern aspects.
o herptile hibernacula in public open space
o fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs in all gardens.

6 The applicant is advised that additional nest bricks would be welcomed on the site above those specified in condition 8.

7 Planning permission does not convey consent to work on or adjacent to the public highway.

Prior to any works commencing on site, including demolition works, the developer must obtain the highway authority's consent.
The developer must obtain a license under Section 184 of the Highways Act 1980 before commencing any works on the highway.

Details are available at: www.derbyshire.gov.uk/transport-roads/roads-traffic/licences-enforcements/vehicular-access/vehicle-accesses-crossovers-and-dropped-kerbs.aspx or email highways.hub@derbyshire.gov.uk.

8 There is a public right of way (PRoW) running through the site. This permission does not authorise use of the PRoW by motor vehicles, or obstruction or diversion of the PRoW. The applicant is advised to seek independent legal advice on the use of the PRoW by vehicular traffic.

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The applicant will be required to contact the PRoW team to arrange for an official diversion if the applicant cannot guarantee the safety of path users during the construction phase. In this case, the applicant must apply to the PRoW team at www.derbyshire.gov.uk/leisure/countryside/access/rights-of-way/faqs/frequently-asked-questions-faqs.aspx to arrange a temporary closure of the right of way for the duration of any works.

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

10 Regarding condition 11 the details should include a hard bound surface such as Tegula setts.

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
EN1 - Countryside
H5 - Housing development outside settlements
H12 - Design and amenity considerations
EN13 - Nature Conservation
TP1 - Impact on the Transport Network
TP6 - Parking
EN6 - Special Landscape Area

In detail:

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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, sunlight/daylight, 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.

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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.