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Chief Executive
Development Management

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Garner Holdings Ltd
Firs Works Spanker Lane
Nether Heage
Belper
Derbyshire
DE56 2JJ

Mr Jamie Pyper
Nineteen47 Limited
Unit B
Ryedale House
56-58 Piccadilly
York
YO1 9NX

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/2023/0624**) which was valid on the 31 July 2023 for permission for **Reserved matters application following approval of outline application AVA/2019/1170 is sought for the access, appearance, landscaping, scale and layout of 160 dwellings at Firs Works Spanker Lane Nether Heage.**

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 shall be begun within two years from the date of the approval of these reserved matters.

   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 shall be carried out in accordance with the details contained in the submitted plans and documents listed below and with the conditions attached to this consent:
   Site Plan - Dwg. No. P03, Rev. H
   Detailed Landscape Proposals - Dwg. No. GLY0007 04E
   Detailed Landscape Proposals - Dwg. No. GLY0007 05E
   Detailed Landscape Proposals - Dwg. No. GLY0007 06E

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Detailed Landscape Proposals - Dwg. No. GLY0007 07E
Detailed Landscape Proposals - Dwg. No. GLY0007 08E
Detailed Landscape Proposals - Dwg. No. GLY0007 09E
Site Section - Dwg. No. P05
Surface Material Plan - Dwg. No. P08, Rev. C
Typical Construction Build-Up - Dwg. No. 3247-ADC-GEN-XX-SK-CH-0001, Rev. P01
Proposed Surface and Foul Water Drainage Strategy - Dwg. No. ADC3247-DR-Z01-0050-P05
Areas Under the Responsibility of Management Company - Dwg. No. P07, Rev. D
Tree Protection Plan (Construction) - Dwg. No. GLY0007 03A
Ashover - Plans - Dwg. No. P11
Ashover - Elevations - Dwg. No. P12
Buxton - Plans - Dwg. No. P13
Buxton - Elevations - Dwg. No. P14
Denby - Plans - Dwg. No. P15
Denby - Elevations - Dwg. No. P16, Rev. A
Duffield - Plans - Dwg. No. P17
Duffield - Elevations - Dwg. P18, Rev. A
Butterley - Plans - Dwg. No. P19
Butterley - Elevations - Dwg. No. P20
Cromford - Plans - Dwg. No. P21
Cromford - V1 Elevations - Dwg. No. P22.1, Rev. A
Cromford - V2 Elevations - Dwg. No. P22.2
Fritchley - Plans - Dwg. No. P23
Fritchley - Elevations - Dwg. No. P24
Hazelwood - Plans - Dwg. No. P25
Hazelwood - Elevations - Dwg. No. P26
Heage - Plans - Dwg. No. P27
Heage - Elevations - Dwg. No. P28, Rev. A
Holloway - Plans - Dwg. No. P29
Holloway - Elevations - Dwg. No. P30
Horsley - Plans - Dwg. No. P31
Horsley - V1 Elevations - Dwg. No. P32.1, Rev. A
Horsley - V2 Elevations - Dwg. No. P32.2
Horsley - V3 Elevations - Dwg. No. P32.3
Kedleston - Plans - Dwg. No. P33
Kedleston - Elevations - Dwg. No. P34, Rev A
Kilburn - Plans - Dwg. No. P35
Kilburn - Elevations - Dwg. No. P36, Rev. A
Mackworth - Plans - Dwg. No. P37
Mackworth - Elevations - Dwg. No. P38, Rev. A
Milford - Plans - Dwg. No. P39
Milford - Elevations - Dwg. No. P40, Rev. A

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Muggington - Plans - Dwg. No. P41
Muggington - Elevations - Dwg. No. P42
Pentrich - Plans Variation One - Dwg. No. P43
Pentrich - Elevations Variation One - Dwg. No. P44, Rev. A
Pentrich - Plans Variation Two - Dwg. No. P45
Pentrich - Elevations Variation Two - Dwg. No. P46, Rev. A
Oakerthorpe - Plans - Dwg. No. P47
Oakerthorpe - Elevations - Dwg. P48
Quarndon - Plans Variation One - Dwg. No. P49
Quarndon - Elevations Variation One - Dwg. No. P50, Rev. A
Quarndon - Plans Variation Two - Dwg. No. P51
Quarndon - Elevations Variation Two - Dwg. No. P52, Rev. A
Ripley - Plans - Dwg. No. P53
Ripley - Elevations - Dwg. No. P54, Rev. A
Shipley - Plans Variation One - Dwg. No. P55
Shipley - Elevations Variation One - Dwg. No. P56, Rev. A
Shipley - Plans Variation Two - Dwg. No. P57
Shipley - Plans Variation Two - Dwg. No. P58, Rev A
Garage - Single - Dwg. No. P59
Garage - Double - Dwg. No. P60
Landscape & Ecological Management Plan, prepared by Golby + Luck; Ref: GLY0007, 18th November 2025 - Issue 4
Drainage Technical Note; Ref: ADC3247-RP-A-V3, Version 4, dated 26/03/2024, prepared by ADC Infrastructure

Reason: In order to define the permission.

3. Notwithstanding any submitted plans and information, no development shall commence until the following have been submitted to and approved in writing by the Local Planning Authority:
a) Rainwater goods, including their materials and design;
b) Samples of the materials to be used in the construction of the external walls and roof of the buildings;
c) Colour, design and materials of exterior fenestration, doors and door frames;
d) Hard landscaping works to include vehicular and pedestrian access and circulation areas, hard surface materials and structures such as refuse or other storage units, lighting and patio.
The development shall thereafter be implemented in accordance with the approved details before the development is first brought into use and retained as such for the lifetime of the development.

Reason: To ensure the satisfactory appearance of the completed development in accordance with policies EN1, LS3 and H12 of the Adopted Amber Valley Borough

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Local Plan 2006.

4. Notwithstanding any description/details in the application documents, details of the siting, height, design, materials and colour finish of all site boundary walls, fence or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved boundary treatments shall be provided before the first occupation of the development.

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

5. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outline within:

   a. RammSanderson (March 2020) Flood Risk Assessment: Former LB Plastics, Belper. RSE_1544_02_V6/Version 6
   b. ADC Infrastructure (27/06/2023) Proposed Surface and Foul Water Drainage Strategy. ADC3247-DR-Z01-0050-P03/Version 3
   c. ADC Infrastructure (26/03/2024) Drainage Technical Note. ADC3247-RP-A-V4. "including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team"
   d. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015),

   have been submitted to and approved in writing by the Local Planning Authority.

   Reason: To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this development, and sufficient details of the construction, operation and maintenance/management of the sustainable drainage systems so as not to increase the flood risk to adjacent land/properties or occupied properties within the development, in accordance with saved policy EN15 of the Adopted Amber Valley Borough Local Plan.

6. No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 56 Reference ID:7-056-20220825 of the planning practice guidance.

   Reason: To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practically by utilising the highest possible priority destination on the hierarchy of drainage options to prevent

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flooding so as not to increase the flood risk to adjacent land/properties or occupied properties within the development, in accordance with saved policy EN15 of the Adopted Amber Valley Borough Local Plan. The assessment should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy:

I. Into the ground (infiltration);
II. To a surface water body;
III. To a surface water sewer, highway drain, or another drainage system;
IV. To a combined sewer.

7. Prior to commencement of the development hereby permitted, details indicating how additional water run-off from the site to be avoided during the construction phase shall be submitted to and approved in writing by the Local Planning Authority. The information may provide details of collection, balancing and/or settlement systems of these flows. The approved system shall be operating to the satisfaction of the Local Planning Authority, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.

   Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development.

8. Notwithstanding the submitted information, no development shall commence (excluding site clearance) until and unless the details of waste collection arrangements, including safe access for waste collection vehicles and storage of waste bins have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained as approved for the designated purposes at all times thereafter.

   Reason: In the interests of satisfactory appearance of the development as required by saved policies LS1 of the Adopted Amber Valley Borough Local Plan 2006.

9. No external lighting shall be installed on or around the buildings or the boundary of the site until a detailed lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall include details of the location, design, intensity and spread of the external lighting. The lighting scheme shall thereafter be installed in accordance with the approved details and be maintained as such.

   Reason: To safeguard the amenities of the surrounding occupiers from undue light nuisance and to ensure the satisfactory appearance of the development in accordance with saved policies H12 of the Adopted Amber Valley Borough Local Plan 2006.

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10. All tree protection measures described in the approved Arboricultural Assessment (dated 27th July 2023, Ref: GLY0007, prepared by Golby + Luck), Tree Constraints Plan (re: GLY0007 01) and shown on drawings titled 'Tree Protection Plan (Demolition) - GLY0007 02', 'Tree Protection Plan (Construction) - GL0007 03A' shall be implemented in full prior to commencement of any site clearance and construction works and maintained throughout the period of site clearance and construction works of the development.

    Reason: To prevent unnecessary damage to existing trees in accordance with saved policy EN8 of the Adopted Amber Valley Borough Local Plan 2006.

11. Prior to works on the hereby approved development and land being commenced a scheme detailing the existing and proposed land levels of the site including site sections, spot height, contours and the finished floor levels of all buildings with reference to on and off site datum point and their relationship to existing neighbouring buildings and land shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the agreed levels.

    Reason: To safeguard the privacy and amenities of the occupiers of adjoining and nearest properties in accordance with saved policies LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

12. Before the development hereby permitted being brought into use, details of construction of the footway link to Crich Lane, including an uncontrolled crossing point with dropped kerbs and tactile paving on Crich Lane shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

    Reason: To promote sustainable travel in accordance with saved policy TP1 of the Adopted Local Plan 2006.

Notes

Attention is drawn to the attached notes:

1 The Council will encourage the developers to help to meet the government's commitments to achieve net-zero carbon emissions by 2050, and to meet the NPPF's environmental objective of mitigating and adapting to climate change, including moving to a low carbon economy, through the inclusion of on-site renewable energy generation, the de-carbonising of heating systems and enhanced levels of insulation.

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2 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
- 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.

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- 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.

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

Volume Control
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 hour 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.

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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. All Micro Drainage calculations and results must be submitted in .MDX format, to the LPA. (Other methods of drainage calculations are acceptable.)

L. 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.
M. 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.

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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
LS3 – Design
LC1 – Provision of outdoor playing space
H10 – Affordable Housing
H12 – Housing design and amenity considerations
TP1 – Impact on the Transport Network
TP6 – Parking
EN7 – Landscape Features
EN8 – Landscape Features
EN9 – Landscape Features
EN13 - Biodiversity
EN15 – Flood Risk
EN16 – Pollution
EN17 - Pollution
EN24 – Listed Buildings

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 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.**