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Garner Holdings Ltd
C/O The Agent

Our Ref : AVA/2026/0208
Your Ref :
Date : 7 May 2026
Ask For : Alfia Cox
Direct Dial :
Email : alfia.cox@ambervalley.gov.uk

Dear Garner Holdings Ltd

Proposal	**Non material amendment to conditions 2, 3, 5, 7, 8, 9, and 10 of AVA/2025/0277 to amend the trigger of affected pre-commencement conditions to allow demolition of the on-site bungalow prior to the formal discharge of conditions**
Location	**Firs Works Spanker Lane Nether Heage Belper Derbyshire DE56 2JJ**
Applicant	**Garner Holdings Ltd**
Agent	**Jamie Pert**

Thank you for your application, which was received and registered as valid on 2 April 2026

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 and on the plans and drawings attached thereto.

The consent is subject to compliance with the following conditions:

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Condition 2

a) No development, excluding the demolition of the dwellings to slab level shown in red on drawing no. 23.12_P100 Implementation Works Plan shall commence until:

i. The approved development site has been subjected to a detailed investigation to determine the extent, scale and nature of any contamination and an assessment of the potential risks (the "Assessment") has been carried out.

ii. A report providing the details of the site investigation and the Assessment been submitted to and approved in writing by the Local Planning Authority.

iii. A Remediation Method Statement (the "RMS") to address any remediation required by the Assessment including a plan for how the remediation methods will be verified, has been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be undertaken in strict compliance with the requirements contained within the approved RMS. Any proposed revisions to the RMS must be

submitted to and approved in writing by the Local Planning Authority prior to any changes in remediation methods.
c) If during development works, any contamination is encountered which was not previously identified and is derived from a different source and/or of a different type to those already identified, then no further works shall take place until a revised RMS is submitted to and approved in writing by the Local Planning Authority and the works shall then be carried out in accordance with the revised RMS.
d) If during development work, site contamination is found in areas previously expected to be uncontaminated, then the remediation of those areas shall be carried out in accordance with the approved RMS.
e) No building shall be occupied unless and until a Verification Report in accordance with the RMS has been submitted to and approved in writing by the Local Planning Authority.
f) All investigations, assessments and reports must be carried out by a suitably qualified competent person previously agreed in writing by the Local Planning Authority and in accordance with the most recent version of BS 10175: Code of practice for the investigation of potentially contaminated sites.

Reason: The undertaking of a site investigation prior to the commencement of development is necessary to ensure that adequate information pertaining to risks arising from land contamination is available to inform an assessment that the site is either suitable for its proposed use. In order to ensure the safety of the development, in accordance with paragraphs 196 and 197 of the National Planning Policy Framework.

Condition 3
No development, excluding the demolition of the dwellings to slab level shown in red on drawing no. 23.12_P100 Implementation Works Plan, shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the Local Planning Authority in writing, and until any pre-start element of the approved scheme (excluding the demolition of the dwellings to slab level shown in red on drawing no. 23.12_P100 Implementation Works Plan) has been completed to the written satisfaction of the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation

No development, excluding the demolition of the dwellings to slab level shown in red on drawing no. 23.12_P100 Implementation Works Plan, shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a).

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: This requirement is in line with NPPF paragraph 205 which requires developers to record and advance understanding of the significance of any heritage assets which are to be lost in accordance with saved policy EN6 of the Adopted Amber Valley Borough Local Plan 2022-2040.

Condition 5

No development shall take place, excluding the demolition of the dwellings to slab level shown in red on drawing no. 23.12_P100 Implementation Works Plan, until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

a. Parking of vehicles of site operatives and visitors
b. routes for construction traffic, including abnormal loads/cranes etc
c. hours of operation
d. method of prevention of debris being carried onto highway
e. pedestrian and cyclist protection
f. proposed temporary traffic restrictions
g. arrangements for turning vehicles

Reason: In the interests of highway safety in accordance with policy IN1 of the Adopted Amber Valley Borough Local Plan 2022-2040.

Condition 7

No development, excluding the demolition of the dwellings to slab level shown in red on drawing no. 23.12_P100 Implementation Works Plan shall take place until a demolition and construction environmental method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the development period and shall provide for:

a) no demolition or construction works, or deliveries to and from the site, outside the hours of 08:00-18:00 on weekdays, 08:00-13:00 on Saturdays and not at all on Sundays or public holidays;
b) measures to control the emission of dust and dirt during demolition and construction works and from vehicles entering or leaving the site, including notification of any proposed on-site crushing and/or screening of bricks, tiles or concrete;
c) a scheme for recycling/disposing of waste resulting from demolition and construction works;
d) no burning of materials on-site;
e) measures for the control of works causing noise or vibration.

Reason: In the interests of protecting residential amenity in accordance with policy EN10 of the Adopted Amber Valley Borough Local Plan 2022-2040.

Condition 8
No development, excluding the demolition of the dwellings to slab level shown in red on drawing no. 23.12_P100 Implementation Works Plan 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 outlined within:
a. Former LB Plastics Site Belper Flood Risk Assessment, RSE_1544_02_V6 (RammSanderson March 2020) including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team"
b. 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. The approved drainage system shall be implemented in accordance with the approved detailed design, prior to the use of the building commencing.

Reason: To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided in accordance with policy EN3 of the Adopted Amber Valley Borough Local Plan 2022-2040.

Condition 9
No development, excluding the demolition of the dwellings to slab level shown in red on drawing no. 23.12_P100 Implementation Works Plan 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 80 reference ID: 7-080-20150323 of the planning practice guidance.

Reason: This is a pre-commencement of works condition to ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options in accordance with policy EN3 of the Adopted Amber Valley Borough Local Plan 2022-2040.

Condition 10
Prior to commencement of the development, excluding the demolition of the dwellings to slab level shown in red on drawing no. 23.12_P100 Implementation Works Plan, details indicating how additional surface water run-off from the site will be avoided during the construction phase shall be submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for 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: This is a pre-commencement of works condition 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 in accordance with policy EN3 of the Adopted Amber Valley Borough Local Plan 2022-2040.

It is considered that, subject to compliance with the additional conditions attached to this permission, the development would be in accordance with the development plan and would not materially impact the character and appearance of the area or the amenity currently enjoyed by neighbouring occupiers and would be acceptable in terms of highway safety.

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



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.