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Garner Holdings Ltd
C/O The Agent

Our Ref : AVA/2026/0206
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 3, 5, 6, 7 and 11 of AVA/2023/0624 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 3
Notwithstanding any submitted plans and information, no development shall commence, excluding the demolition of the dwellings to slab level shown in red on drawing no. 23.12_P100 Implementation Works Plan 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 SS1, EN7 and EN15 the Adopted Amber Valley Borough Local Plan 2022-2040.

Condition 5
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 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 policy EN3 of the Adopted Amber Valley Borough Local Plan.

Condition 6
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 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 flooding 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. 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.

Condition 7

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 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.

Condition 11

Prior to works on the hereby approved development and land being commenced, excluding the demolition of the dwellings to slab level shown in red on drawing no. 23.12_P100 Implementation Works Plan, 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 policies SS1, EN7 and EN15 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.