**S Gladwin**
**Chief Executive**
**Development Management**

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The Family Tree
Derby Road
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Matlock
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DE4 5HG

# 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 policies of the Amber Valley Borough Local Plan 2022-2040, and with reference to your application (**Office Code: AVA/2025/0700**) which was valid on the 5 November 2025 for permission for **Extension to existing car park to form 4 additional car parking spaces and retaining wall at The Family Tree Car Park Derby Road Whatstandwell.**

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 the submitted drawings received on 01.10.2025

   **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.

Date : 30 July 2026

Signed

Simon Gladwin
Chief Executive

3. No part of the development hereby permitted shall be brought into use until the on-site parking/turning areas are provided in accordance with the scheme illustrated on the Proposed Parking Layout Plan submitted on 21/4/26. The parking/turning areas shall not be used for any purpose other than parking/turning/loading/unloading of vehicles and shall be maintained for the life of the development.

   **Reason**: In the interest of highway safety.

4. The submitted Arboricultural report date 24th June 2026 by Thompson Consultancy shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

   **Reason**: The tree(s) in question are considered to be features of significance. This condition is imposed to ensure that the recommended remediation works are undertaken in accordance with policy EN7 of the Amber Valley Borough Local Plan 2026.

5. Within 6 months of the date of the decision a landscaping plan shall be submitted to show replacement tree planting. The scheme shall be submitted and approved in writing to the Local Planning Authority. Any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

   **Reason**: To ensure the satisfactory overall appearance of the completed development and to mitigate the loss of trees on the site in accordance with policy EN7 of the Amber Valley Borough Local Plan 2026.

6. Prior to the installation of additional lighting fixtures, a detailed sensitive lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. 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 policy EN8 and to improve the biodiversity of the local area in accordance with policy EN8 of the Amber Valley Borough Local Plan 2026.

Date : 30 July 2026

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**Notes**

**Attention is drawn to the attached notes:**

1 In regard to condition 4 the newly introduced stone and aggregate around the edge of the car park is carefully removed as far as practicable and soil build up carefully removed from around mature trees within the woodland (as referred to within section 4.4.7 of the report) without causing further damage to trees. If this requires the use of heavy machinery to achieve this, appropriate ground protection and protective fencing will be necessary to protect the RPA's of trees within the woodland area.

2 In regard to condition 5 the landscaping scheme should be as stated in section 4.5, which is to replant 2 trees for every 1 tree lost as a minimum.

Trees should be native/naturalised species in keeping with the landscape character. This can include species such as oak, birch, rowan, small leaf lime, as well as some smaller understory species such as hawthorn, holly and hazel. Ash and Sycamore should be avoided due to current diseases (ash dieback and sooty bark disease) posing a threat to these species. New tree planting should take place between November and March during the dormant season.

3 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.

4 The applicant is advised that part of the site to the south is protected by a Derbyshire County Council (DCC) TPO. Therefore, any trees in this area (within G14 of the schedule Thompson Consultancy) that may be affected by any remedial work, DCC should be notified (including any work that may be required to remove soil build up around protected trees).

5 Development Low Risk Area - Standing Advice

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242.

Date : 30 July 2026

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Further information is also available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK

**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 policies of the Amber Valley Borough Local Plan 2022-2040:

ED2 - Other Business & Industrial Development
SS1 - Presumption in favour of Sustainable
EN15 - Quality and Design of Development
IN1 - Transport
EN4 - Heritage Assets
EN5 - Derwent Valley Mills World Heritage Site
EN6 - Archaeology
EN7 - Landscape Character & Features
EN10 - Pollution
EN11 - Derelict, Unstable & Contaminated Land
EN8 - Biodiversity

**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 : 30 July 2026

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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.**