S Gladwin
Chief Executive
Development Management

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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/2026/0485**) which was valid on the 28 July 2026 for permission for **Proposed conversion of existing stone building and two storey rear extension to form new self build dwelling (application previously approved under AVA/2021/0293) at Land Off Eden Bank Eden Bank Ambergate**

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 as follows:

   Block Plan including parking -drawing no PPS2B
   Proposed roof plan and landscape layout Drg PRL1C
   Proposed elevations 1 - Drg PE1B
   Proposed elevations 2 - Drg PE2B

Date: 22 September 2026

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Simon Gladwin
Chief Executive

Proposed floorplans and sections PPS1B

Reason: To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application in accordance with policy EN15 of the Amber Valley Borough Local Plan 2022-2040 (2026)

3. Prior to the commencement of above ground development, all existing trees on the edge of the woodland and the north-east boundary of the development shall be fenced off to the limit of their branch spread in accordance with BS 5837. No works including i. removal of earth; ii. Storage of materials; iii. vehicular movements or; iv. siting of temporary buildings or structures, shall be permitted within these protected areas. b) These tree protection measures shall remain in place until the development is completed.

   Reason: To prevent unnecessary damage to existing trees in accordance with policies EN7 and EN15 of the Adopted Amber Valley Borough Local Plan 2022-2040 (2026)

4. Prior to occupation, a bat and bird box plan shall be submitted to and approved in writing by the LPA. Integrated boxes should be favoured to provide long-lasting, discreet and secure nesting and roosting opportunities. Boxes shall be attached at eaves level, with bird boxes avoiding south-facing elevations.

   Photographs of the boxes in situ shall be submitted to fully discharge the condition.

   Reason: In the interests of biodiversity in accordance with policy EN8 of the Adopted Amber Valley Borough Local Plan 2022-2040 (2026)

5. Notwithstanding the approved plans and application form, prior to any of the works on the external elevations/roof of the building(s) are commenced, samples of the materials and finishes to be used in the construction of the external surfaces shall be submitted to and approved in writing by the Local Planning Authority.

   The development shall then be carried out in accordance with the approved details.

   Reason: To ensure a satisfactory appearance of the completed development in accordance with policies EN5 and EN15 of the Adopted Amber Valley Borough Local Plan 2022-2040 (2026).

6. Notwithstanding the approved details, prior to installation precise details of all new windows/doors and their frames at the development shall be submitted to and agreed in writing with the Local Planning Authority before installation. The work shall be

Date: 22 September 2026 Signed S Gladwin

Simon Gladwin
Chief Executive

carried out in accordance with the agreed details and shall be completed prior to the occupation or commencement of use of the development.

Reason: To ensure the works are carried out in a way which respects the special appearance and character of the area in accordance with policies EN5 and EN15 of the Adopted Amber Valley Borough Local Plan 2022-2040 (2026).

7. Notwithstanding the approved details, prior to installation, full details of the proposed eaves treatment and soil and vent pipes shall be submitted to and approved in writing by the Local Planning Authority.

   The work shall be carried out in accordance with the agreed scheme and shall be completed prior to the occupation of the development.

   Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Derwent Valley Mills World Heritage Site in accordance with policies EN5 and EN15 of the Adopted Amber Valley Borough Local Plan 2022-2040 (2026).

8. No barge or fascia boards shall be used. All guttering shall be supported by rise and fall brackets fixed directly to the walls.

   The work shall be completed prior to the occupation of the development and maintained as such in perpetuity.

   Reason: To ensure the works are carried out in a way which respects the special appearance and character of the area in accordance with policies EN5 and EN15 of the Adopted Amber Valley Borough Local Plan 2022-2040 (2026).

9. Prior to the development hereby permitted being occupied/brought into use the rooflights to the bedroom of the west roof plane shall be installed with obscure glazing to a minimum of Pilkington - Privacy Level 3 or an equivalent product.

   Once installed the glazing shall be retained as such thereafter.

   Reason: To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with policy EN15 of the Adopted Amber Valley Borough Local Plan 2022-2040 (2026).

10. Notwithstanding the provision of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any other revoking and re-enacting that

Date: 22 September 2026 Signed

Simon Gladwin
Chief Executive

Order), no development relating to Class A, B, C, D, E, F, G and H of Part 1 of Schedule 2 (enlargement, improvement or other alterations of a dwellinghouse; an addition or alteration to its roof; any other alteration to the roof of a dwellinghouse; the erection of a porch outside any external door of a dwellinghouse; the erection of curtilage buildings; a hard surface within the curtilage of a dwellinghouse; the installation, alteration or replacement of a chimney, flue or soil or vent pipe or a microwave antenna on a dwellinghouse) and Class A of Part 2 of Schedule 2 (erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure) 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 EN5 and EN15 of the Adopted Amber Valley Borough Local Plan 2022-2040 (2026).

11. Prior to installation precise details of the proposed treatment of the boundary(ies) of the site shall be submitted to and approved in writing by the Local Planning Authority. Prior to any building hereby permitted being occupied/brought into use, the boundary treatment for that building(s) shall be installed and completed in accordance with the agreed details.

    Reason: To ensure both the satisfactory appearance of the completed development and an adequate level of amenity for the proposed dwellings in accordance with policies EN5 and EN15 of the Adopted Amber Valley Borough Local Plan2022-2040 (2026).

12. Prior to installation precise details of the proposed garden retaining wall shall be submitted to and approved in writing by the Local Planning Authority.

    Reason: To ensure both the satisfactory appearance of the completed development and an adequate level of amenity for the proposed dwellings in accordance with policies EN5and EN15 of the Adopted Amber Valley Borough Local Plan 2022-2040 (2026).

13. The development hereby permitted shall not commence until details for the provision of secure, covered cycle parking, secure cycle equipment storage,
    electric vehicle charging, and bin storage facilities have been submitted to and approved in writing by the Local Planning Authority. The approved details shall
    be implemented prior to first occupation of the development hereby permitted and shall be maintained for their designated purpose for the life of the
    development.

Date: 22 September 2026 Signed

Simon Gladwin
Chief Executive

Reason: In the interest of highway safety and furthering travel by sustainable modes according to policy IN1 of the adopted Amber Valley Local Plan 2022-2040 (2026)

14. The development hereby permitted shall not be occupied until the driveway and parking layout has been provided in accordance with the scheme illustrated on drawing number PPS2B. The driveway and parking area shall not be used for any purpose other than parking, turning, loading, and unloading of vehicles and shall remain free of obstruction for the life of the development.

    Reason: In the interest of highway safety in accordance with policies EN15 and IN1 of the Adopted Amber Valley Borough Local Plan 2022-2040(2026)

15. The domestic curtilage to the dwelling is defined on drawing - Proposed roof plan and landscape layout Drg PRL1C

    Reason: For the avoidance of doubt.

16. The development hereby permitted shall not be occupied until the driveway is surfaced in a bound material and is provided with measures to prevent the unregulated discharge of surface water onto Eden Bank, in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. Such features shall be maintained for the life of the development.

    Reason: To ensure the provision of adequate facilities to dispose of surface water and an acceptable visual impact in accordance with policies EN15 and IN1 of the Adopted Amber Valley Borough Local Plan 2022-204

17. The driveway shall have a maximum gradient of no more than 1 in 8 (12.5%).

    Reason: In the interest of highway safety in accordance with Policy IN1 of the adopted Amber Valley Borough Local Plan 2022-2040 (2026)

18. No part of the development hereby permitted shall commence until a construction traffic management plan has first been submitted to and
    approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition and construction periods. The plan
    shall include, but not be restricted to, providing details of:
    a) Parking of vehicles of site operatives and visitors;
    b) Measures taken to ensure satisfactory access and movement for neighbouring properties on Eden Bank during construction;
    c) Measures taken to ensure satisfactory access and movement on the A6 during construction;

Date: 22 September 2026 Signed

S Gladwin

Simon Gladwin
Chief Executive

d) Safe routes for pedestrians;
e) Temporary access to the site;
f) Locations for loading/unloading and storage of plant, waste, and construction materials and arrangements for turning vehicles;
g) Measures to limit the size of construction vehicles, consistent with providing safe and convenient access and turning arrangements;
h) Methods of preventing mud and dust being carried onto the highway;
i) Methods of positively communicating the plan to staff, visitors, and neighbouring residents and businesses.

Reason: In the interest of highway safety in accordance with Policies EN15 and IN1 of the adopted Amber Valley Borough Local Plan 2022-2040 (2026).

19. No above groundwork shall commence until details of the disposal of surface water and foul sewage serving the site have been submitted to and approved by the Local Planning Authority. Any agreed scheme shall be implemented in full prior to the development being brought into use.

Reason: To ensure that there are adequate facilities for the disposal of foul and surface water in accordance with policy EN11 of the Adopted Amber Valley Borough Local Plan 2006.

20. The hereby approved dwelling permitted shall be constructed as a self-build dwelling within the definition of a self-build and custom build housing in the 2015 Act:
i) The first occupation of the dwelling hereby permitted shall be by a person or persons who had a primary input into the design and layout of the unit and who intends to live in the unit for at least 3 years.
ii) The Council shall be notified of the persons who intend to take up first occupation of the dwelling hereby permitted at least 2 months prior to first occupation.

Reason: To ensure the development complies with the self-build and custom house build definition in accordance with National Policy

22. All site preparation, demolition and construction activities shall comply with the following:
a) Operating hours:
No works, or deliveries to and from the site, shall occur other than between 08:00 and 18:00 hours on weekdays and between 08:00 and 13:00 hours on Saturdays. No works shall take place on Sundays or bank holidays. Any essential extension to these hours, other than for emergency works, shall be agreed with the Local Planning Authority before work commences. Activities that do not create noise and disturbance to residents may still take place outside these hours,

Date: 22 September 2026 Signed

Simon Gladwin
Chief Executive

b) Noise and vibration:
All activities shall comply with British Standard BS 5228 'Code of practice for noise and vibration control on construction and open sites',
c) Dust/Particulate emissions:
No visible dust/particulate matter shall be emitted beyond the site boundary. At such times as the prevention of nuisance is not possible, dust/particulate generating.
activities shall temporarily cease until such time as dust suppression measures become effective,
d) Waste:
No unwanted materials shall be disposed of on site by burning,
e) Lighting:
Any temporary site lighting shall be positioned on site to minimise light trespass and glare.
Reason: In the interests of residential amenity and to comply with Policies EN10 and EN15 of the Amber Valley Local Plan 2022-2040 (2026).

Date: 22 September 2026

Signed

Simon Gladwin
Chief Executive

Notes
Attention is drawn to the attached notes:

1 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.

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.

2 The applicant is advised to investigate the disposal of all surface water from the development to either an appropriate system of soakaways or separate surface water drainage, and not to discharge into the foul sewerage system without the prior approval of Severn Trent Water Ltd.

3 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.

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

Date: 22 September 2026 Signed

S Gladwin

Simon Gladwin
Chief Executive

4 This application was validated prior to 6th August 2026 and is thereby exempt from providing the statutory net gain for biodiversity under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990 which was inserted the 1990 Act by Schedule 14 of the Environment Act 2021 and amended by the Levelling Up and Regeneration Act 2023, given that the proposed development is a 'self-build'. The deemed statutory conditions are therefore not applicable to this permission.

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:

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In detail:

The National Planning Policy Framework (NPPF) is a material consideration in planning decisions. In accordance with Paragraph 38 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.

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.

Date: 22 September 2026 Signed

Simon Gladwin
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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.