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/2025/0635**) which was valid on the 9 September 2025 for permission for **Variation of Condition 2 (Approved Plans) and removal of requirement of Condition 3 (Materials), Condition 4 (Boundary Treatments), Condition 5 (Landscaping), Condition 10 (External Lighting), Condition 11 (External Lighting Strategy), Condition 12 (Japanese Knotweed), Condition 13 (LBEMP), Condition 16 (Visibility), Condition 17 (Pedestrian Visibility), Condition 18 (Construction Management Plan) and Condition 19 (Bicycle Storage) of AVA/2024/0248 at Blok 1 The Blokyard Heanor Road.**

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 25.09.2024 of the approved application AVA/2024/0248.

   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 amended drawings:
   Obstructive light assessment received 06.09.2025

Date : 6 October 2026

Signed

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LSC11133_1A received 01.10.2025
P2636/1_01 LBEMP dated 21.10.2025
1988-102 Rev E received 22.07.2026
1988-103 Rev F received 19.08.2026
1988-104 Rev E received 23.02.2026
1988-105 Rev C received 22.07.2026
1988-106 Rev H received 19.08.2026
2025_86HR-200A received 23.02.2026
Enterprise Park lift specification INVN6642 received 23.02.2026
Construction management specifications rev C dated 14.07.2026 received 22.07.2026
VC0535 drawing 004 dated 27.01.2026 received 23.02.2026
Commercial platform lift details Received 23.02.2026
00000-ENV-XX-XX-DG-G-TD03 Rev 00 Received 23.02.2026
15112 Japanese Knotweed received 06.09.2025
TD57 issue 2 received 23.02.2026
Construction management plan Rev A received 23.02.2026

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 Adopted Amber Valley Borough Local Plan 2026.

3. Notwithstanding the submitted plans prior to occupation of the units, full details of all boundary treatments of the site shall be submitted to and approved by the Local Planning Authority. Any agreed scheme shall be implemented in full in accordance with a phasing scheme prior to the occupation of the development.

   Reason: To ensure both the satisfactory appearance of the completed development and an adequate level of amenity for the proposed dwellings in accordance with policy EN15 of the Adopted Amber Valley Borough Local Plan 2006.

4. Notwithstanding the submitted plans, prior to occupation of the units a scheme of landscaping shall be submitted to and approved by the Local Planning Authority. All planting, seeding or turfing indicated on the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and 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.

Date : 6 October 2026

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Reason: To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings in accordance with policy EN15 of the Adopted Amber Valley Borough Local Plan 2026.

5. Operations or uses authorised under this permission shall be carried out within the application site only between the following times:-

   0800 to 1800 hours on Mondays to Fridays,
   0800 to 1800 Saturdays,
   1000 to 1600 Sundays or Bank Holidays.

   Reason : To protect the amenity of the residents of adjacent properties in accordance with policy EN10 of the Adopted Amber Valley Borough Local Plan 2026.

6. The loading/unloading of delivery vehicles within the application site shall only be carried out between the following times:-
   0800 and 1800 hours on Mondays to Fridays,
   0800 and 1800 Saturdays,

   No loading/unloading and vehicle movements or operations or uses shall be carried out within the application site on Sundays or Bank Holidays.

   Reason: To protect the amenity of the residents of adjacent properties in accordance with policy EN10 of the Adopted Amber Valley Borough Local Plan 2026.

7. All site preparation, during 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,
   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,

Date : 6 October 2026

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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: To protect the amenity of the residents of adjacent properties in accordance with policy EN10 of the Adopted Amber Valley Borough Local Plan 2026.

8. No externally mounted/ducted plant, machinery or equipment shall be installed before the Local Planning Authority has approved, in writing, detailed information regarding its acoustic performance, operating hours and location. If required by the Local Planning Authority, an assessment of noise emissions shall be submitted to, and approved in writing by, the Local Planning Authority. Where considered necessary to protect residential amenity, the equipment shall be acoustically insulated, mounted or relocated in a way which minimises the emission and transmission of sound in accordance with a scheme to be approved in writing by the Local Planning Authority, such that the rating level does not exceed the background sound level when assessed in accordance with the methodology in British Standard 4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound'.

   Reason: To protect the amenity of the residents of adjacent properties in accordance with policy EN10 of the Adopted Amber Valley Borough Local Plan 2026.

9. The development hereby approved shall not be brought into use until the means of access for vehicles, pedestrians and cyclists have been constructed and completed as shown on drawings 001-001 A and 002-001-B of approved application AVA/2024/0248.

   Reason: In the interest of highway safety.

10. The vehicular access hereby permitted shall not be brought into use until the existing vehicular access to the site (other than that intended to serve the development) has been permanently closed in accordance with details to be submitted to and agreed in writing beforehand by the Local Planning Authority.

    Reason: In the interests of highway safety.

12. The Development hereby approved shall not be brought into use until pedestrian visibility splays of 2m x 2m measured perpendicularly back from the back of footway shall be provided on both sides of the access. These splays shall thereafter be

Date : 6 October 2026

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permanently kept free of all obstructions to visibility over 0.6m in height above the adjoining ground level.

Reason: To ensure motorists have clear and unrestricted views of approaching pedestrians when pulling out onto the adopted highway, in the interest of highway safety.

13. Notwithstanding the provisions contained within Schedule 2, Parts 3 and 4 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order) this permission shall relate to the following uses only:-
a) Shop other than for the sale of hot food
b) Food and drink which is mostly consumed on the premises
c) the following kinds of services principally to visiting members of the public i. financial services
ii. professional services (other than medical services)
iii. any other services which it is appropriate to provide in a commercial, business or service locality
e) Medical services not attached to the residence of the practitioner
g) i) office
ii) the research and development of products or processes or
iii) any industrial process, (which can be carried out in any residential area without causing detriment to the amenity of the area)
(as set out in the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, and for no other purpose unless planning permission for a new use of the premises has been granted by the Local Planning Authority.

    Reason: To enable the Local Planning Authority to maintain a satisfactory control of the activities involved in accordance with policy EN10 of the Adopted Amber Valley Borough Local Plan 2026.

14. The east elevation windows to unit 9 block 2 shall be glazed in highly obscured (non see through) glass and be non-opening. Such work shall be completed prior to the commencement of use of the development and maintained 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 2026.

Notes
Attention is drawn to the attached notes:

Date : 6 October 2026

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1 The applicant is reminded that a statement of compliance upon completion of planting and enhancement works and checks for invasive nonnative species such as Japanese knotweed should be submitted to the Local Planning Authority.

2 The applicant is advised that no tree, scrub or hedgerow clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

3 It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to "respecting the community" this says: Constructors should give utmost consideration to their impact on neighbours and the public
a. Informing, respecting and showing courtesy to those affected by the work;
b. Minimising the impact of deliveries, parking and work on the public highway;
c. Contributing to and supporting the local community and economy; and
d. Working to create a positive and enduring impression and promoting the Code. The CMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances.

Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues. Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.

4 The development hereby approved, and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at www.derbyshire.gov.uk/transport-roads/roadstraffic/roadworks/roadworks.aspx
before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.

Date : 6 October 2026

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5 The Local Highway Authority has no objection to the above subject to the applicant obtaining a section 184 licence. The construction of a new access will require a footway crossing from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Derbyshire Highways details can be found at www.derbyshire.gov.uk/transport-roads/roads-traffic/licences-enforcements/vehicularacce ss/ vehicle-accesses-crossovers-and-dropped-kerbs.aspx or email highways.hub@derbyshire.gov.uk before commencing any works on the highway.

6 All excavations shall be covered overnight or else have an escape ramp to prevent entrapment of badgers, hedgehogs and other wildlife. All pipework greater than 150 mm shall be blanked off at the end of the day and chemicals shall be stored securely. Topsoil mounds shall be checked for badger activity prior to removal or re-use. An ecologist shall be contacted if any evidence of badger activity is found within the application area during development.

7 Vegetation clearance should be reduced to an approximate height of 150 mm via a hand strimmer prior to ground works commencing to encourage individuals to move away from the construction area. All excavations shall be covered overnight or else have an escape ramp to prevent entrapment of herptiles. All pipework greater than 150 mm shall be blanked off at the end of the day and chemicals shall be stored securely. Any excavated material stored overnight should be searched prior to being used as infill. All other materials should be kept on raised areas, namely pallets, to avoid creating refugia.

Should a GCN be found at any point during construction works, works must cease immediately, and an ecologist will be sought who will advise on the appropriate actions, including applying for a licence (if required).

8 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 Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

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

SS1 - Presumption in favour of Sustainable
EN15 - Quality and Design of Development
IN1 - Transport
EN8 - Biodiversity
EN11 - Derelict, Unstable & Contaminated Land
EN10 - Pollution
EN1 - Climate Change

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 DM3 of the NPPF.

Date : 6 October 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.