S Gladwin
Chief Executive
Development Management

Town Hall
Ripley
Derbyshire DE5 3BT
Tel: 01773 570222
Email: enquiry@ambervalley.gov.uk
Web: www.ambervalley.gov.uk

Mr Bevan
121 Broadway
Duffield
Belper
Derbyshire
DE56 4BW

Mrs Elizabeth Rhodes
Swain Architecture Ltd
The Grove
Peache Way
Bramcote
Nottingham
Nottinghamshire
NG9 3DX

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/2026/0363**) which was valid on the 25 June 2026 for permission for **Demolition of existing dwelling and replace with new self-build 4 bedroom detached dwelling at 121 Broadway Duffield Belper.**

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 in accordance with the following approved drawings:

   Proposed Location Plan - Dwg. No. 26.597.S03.03 Rev A
   Biodiversity Enhancements - Dwg. No. 26.597.S03.04
   Proposed Site Plan - Dwg. No. 26.597.S03.02 Rev A received on 20.08.2026

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Proposed Floor Plans and Elevations - Dwg. No. 26.597.503.01 Rev B received on 23.09.2026.
Topographical Survey - DWG. No. 8688/0
Proposed Protection Method - Dwg. No. 26.597.S03.05

Reason: To ensure the satisfactory appearance of the completed development in accordance with policy EN15 of the Adopted Amber Valley Borough Local Plan 2022-2040.

3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details and/or samples of the materials and finishes to be used for the external elevations and roof of the proposal, and the development shall be carried out with those materials.

   Reason: To ensure the satisfactory appearance of the completed development in accordance with policy EN15 of the Adopted Amber Valley Borough Local Plan 2022-2040.

4. The dwelling hereby permitted shall be occupied only by a person or persons who have had primary responsibility for organising and overseeing the design and construction of the dwelling for their own occupation, or by their successors in title.

   Within three months of the first occupation of the dwelling, the owner shall notify the Local Planning Authority in writing of the date of first occupation and provide evidence demonstrating compliance with this condition.

   Reason: To ensure that the development qualifies for the biodiversity net gain exemption relied upon in the assessment of the application and to ensure compliance with the biodiversity net gain requirements of the Environment Act 2021.

5. The development hereby permitted shall not be occupied until the on-site access and driveway/parking areas are provided in accordance with the scheme illustrated on drawing number 26.597.S03.02 Rev A. The driveway/parking areas shall not be used for any purpose other than parking/loading/unloading of vehicles and shall remain free of obstruction for the life of the development.

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

6. The off-street parking spaces, the subject of Condition 5 above, shall not be used until a modified hard surfaced vehicular footway crossing from Broadway is available for

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use and has been constructed in accordance with the Highway Authority's specification to the satisfaction of the Local Planning Authority.

Reason: In the interest of highway safety.

7. Notwithstanding the approved Site Plan, pedestrian splays measuring 2m x 2m shall be provided on both sides of the driveway and shall be maintained clear of obstruction above 0.6m above the height of the adjacent footway for the life of the development.

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

8. No part of the development hereby permitted shall commence until details of measures to prevent the unregulated discharge of surface water to the public highway have first been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the development hereby permitted and shall be maintained for the life of the development.

   Reason: To ensure that surface water from the site is not deposited on the public highway causing danger to road users in accordance with policy IN1 of the Adopted Amber Valley Borough Local Plan 2022-2040.

9. No part of the development hereby permitted shall commence until details for the provision of secure, covered cycle parking, secure cycle equipment storage, and electric vehicle charging 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.

   Reason: To promote sustainable travel in accordance with policies EN1, EN15 and IN1 of the Adopted Amber Valley Borough Local Plan 2022-2040.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and reenacting that Order with or without modification), no fences, gates, or walls shall be erected at the access to the development from the public highway.

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

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11. The development hereby permitted shall be carried out in accordance with the approved drawing titled Biodiversity Enhancements - Dwg. No. 26.597.S03.04. Prior to occupation, a statement of good practice including photographs shall be submitted to the Local Planning Authority. This shall clearly demonstrate that the biodiversity enhancements have been selected and installed in accordance with the above.

    Reason: In the interests of ecology and biodiversity in accordance with policies EN8 and EN9 of the Adopted Amber Valley Borough Local Plan and the NPPF.

12. No development shall take place (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials and construction works) until all tree protection has been carried out in accordance with measures indicated in the drawing titled Proposed Protection Method - Dwg. No. 26.597.S03.05. The tree protection measures shall be retained as such for the duration of construction works on site.

    Reason: To ensure that adequate measures are undertaken to preserve trees and hedges and their root systems, in accordance with policies EN7 and EN15 of the Adopted Amber Valley Borough Local Plan and the NPPF.

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.

2 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

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both practical and legal action (which may include prosecution) against the applicant/contractors/owner or occupier of the land.

3 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.

b) Noise and vibration:

All activities shall comply with the guidance in British Standard BS 5228-1:2009+A1:2014 'Code of practice for noise and vibration control on construction and open sites - Part 1: Noise' (Section 8 and Annex B) and Part 2: Vibration' (Section 8).

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.

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
SS3 - Settlement Hierarchy
H1 - Within Adjacent to Urban Areas and Key v
EN1 - Climate Change
EN8 - Biodiversity

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EN9 - Biodiversity Gains
EN11 - Derelict, Unstable & Contaminated Land
EN15 - Quality and Design of Development
IN1 - Transport

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, sunlight/daylight, 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.

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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.