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/2025/0691**) which was valid on the 29 September 2025 for permission for **Proposed demolition of existing agricultural outbuildings, erection of 5 dwellings with associated infrastructure and new double garage for the existing bungalow. at Bargate Farm, The Croft, Bargate.**

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 Location Plan ref. PP-14318307 v.1, Plots 1-3 Plans and Elevations 002 and Plots 4-5 Elevations 003 (includes garage to existing dwelling) received on 26.09.2025 and amended drawings Proposed Site Plan 001 Rev B, Swept Path Analysis (3.5T vehicle) 1803-201 Rev P1, Swept Path Analysis (car) 1803-201 Rev P1 and Visibility Splay Plan 1803-203 Rev P1 received on11.11.2025.

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Reason: To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application in accordance with policies EN15 and IN1 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. All site preparation, demolition and construction activities shall comply with the following:

   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.

   Reason: To protect the amenity of the residents of adjacent properties in accordance with policy EN10 of the Adopted Amber Valley Borough Local Plan 2022-2040.

5. No part of the development hereby permitted shall be brought into use until the site access and driveway/parking/turning areas are provided in accordance with the scheme illustrated on the approved site plan (drawing number 001 Rev B). The driveway/parking/turning areas shall not be used for any purpose other than parking/turning/loading/unloading of vehicles.

   Reason: In the interests of the safety of the users of the access and public highway safety in general in accordance with policies EN15 and IN1 of the Adopted Amber Valley Borough Local Plan 2022-2040.

6. No part of the development hereby permitted shall be brought into use until a hard surfaced footway crossing to serve the driveway from The Croft has been constructed within the site and is available for use. The footway crossing shall be constructed in accordance with the highway authority's specification to the satisfaction of the Local Planning Authority.

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Reason: In the interests of the safety of the users of the access and public highway safety in general in accordance with policies EN15 and IN1 of the Adopted Amber Valley Borough Local Plan 2022-2040.

7. A visibility splay of 2.4m x 43m, projected to the nearside carriageway edge on Bargate Road and free of obstruction above a height of 0.6m above adjacent carriageway channel level, shall be provided along Bargate Road to the north-west of The Croft (as illustrated on drawing number 1803-203 Rev P1) and shall be maintained 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 policies EN15 and IN1 of the Adopted Amber Valley Borough Local Plan 2022-2040.

8. No part of the development hereby permitted shall be brought into use until the driveway is surfaced in a bound material, along the full width of the driveway for a minimum length of 5m within the site measured from the highway boundary, in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. This area of driveway shall be maintained in the bound material 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 policies EN15 and IN1 of the Adopted Amber Valley Borough Local Plan 2022-2040.

9. No part of the development hereby permitted shall be brought into use until the access driveway/parking/turning areas are constructed with provision to prevent the unregulated discharge of surface water from the public highway into the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. Such provision shall be maintained for the life of the development.

   Reason: To ensure that surface water from the site is not deposited within the site from the public highway.

10. No part of the development hereby permitted shall be brought into use until provision has been made within the application site for secure, covered cycle parking, secure cycle equipment storage, electric vehicle charging, and bin storage facilities in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall not thereafter be used for any other purpose and shall be maintained for the life of the development.

    Reason: In the interest of highway safety and furthering travel by sustainable modes.

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11. Gates shall be located no closer than 5m from the nearside carriageway edge on the adjoining highway and shall be hung to open inwards or be of sliding design.

    Reason: In the interests of the safety of the users of the access and public highway safety in general in accordance with policies EN15 and IN1 of the Adopted Amber Valley Borough Local Plan 2022-2040.

12. Prior to commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period.

    Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

13. Prior to the installation of any external lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority to safeguard bats and other nocturnal wildlife. 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 of the Adopted Amber Valley Borough Local Plan 2022-2040.

14. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and management schedule to include the recommendations set out in the submitted Arboricultural Impact Assessment (British Standards 5837:2012 Tree Survey, Arboricultural Impact Assessment & Site-Specific Arboricultural Method Statement (including Tree Protection Plan) Reference: JH0326BARGATE (Outline Trees, March 2026)) being implemented in full.

    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.

    Reason: To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings in accordance with

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policies EN8, EN9 and EN15 of the Adopted Amber Valley Borough Local Plan 2022-2040.

15. Prior to building works commencing above foundation level, a Species Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. Approved measures shall be implemented in full and maintained thereafter.

Reason: In the interests of ensuring measurable net gains to biodiversity and in accordance with the National Planning Policy Framework, Schedule 7A Town and Country Planning Act (inserted by the Environment Act 2021) and policy EN9 of the Adopted Amber Valley Borough Local Plan 2022-2040.

16. (a) No development (other than demolition & ground-working) shall commence until:

i. The approved development site has been subjected to a detailed investigation to determine the extent, scale and nature of any contamination and an assessment of the potential risks (the "Assessment") has been carried out.
ii. A report providing the details of the site investigation and the Assessment been submitted and approved in writing by the Local Planning Authority.
iii. A Remediation Method Statement (the "RMS") to address any remediation required by the Assessment including a plan for how the remediation methods will be verified, has been submitted and approved in writing by the Local Planning Authority.

(b) The development shall be undertaken in strict compliance with the requirements contained within the approved RMS. Any proposed revisions to the RMS must be submitted and approved in writing by the Local Planning Authority prior to any changes in remediation methods.

(c) If during development works, any contamination is encountered which was not previously identified and is derived from a different source and/or of a different type to those already identified, then no further works shall take place until a revised RMS is submitted to and approved in writing by the Local Planning Authority and the works shall then be carried out in accordance with the revised RMS.

(d) If during development work, site contamination is found in areas previously expected to be uncontaminated, then the remediation of those areas shall be carried out in accordance with the approved RMS.

(e) No building shall be occupied unless and until a Verification Report in accordance with the RMS has been submitted to and approved in writing by the Local Planning Authority.

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(f) All investigations, assessments and reports must be carried out by a suitably qualified competent person previously agreed in writing by the Local Planning Authority and in accordance with the most recent version of BS 10175: Code of practice for the investigation of potentially contaminated sites.

Reason: The undertaking of site investigations prior to the commencement of development is necessary to ensure that adequate information pertaining to risks arising from land contamination is available to inform an assessment that the site is either suitable for its proposed use or appropriate remedial measures could make the site suitable for its proposed use. In order to ensure the safety of the development, in accordance with Policy EN11 of the Amber Valley Local Plan 2022-2040 and paragraphs 196 and 197 of the National Planning Policy Framework.

17. No work shall commence on the site until full details of the proposed treatment of the boundaries of the site has been submitted to and approved by the Local Planning Authority. Any agreed scheme shall be implemented in full and maintained for the life 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 2022-2040

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.
Should any part of the access works affect the public highway, 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/licencesenforcements/vehicular-access/vehicle-accesses-crossovers-and-droppedkerbs.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 both practical and legal action (which may include prosecution) against the applicant/contractors/owner or occupier of the land.

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3 The construction management plan required by Condition 12 shall include but not be restricted to:

o Parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
o Advisory routes for construction traffic;
o Temporary access to the site;
o Locations for loading/unloading and storage of plant, waste and construction materials;
o Method of preventing mud and dust being carried onto the highway;
o Arrangements for turning vehicles;
o Arrangements to receive abnormal loads or unusually large vehicles;
o Highway condition survey;
o Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

4 The statutory framework for biodiversity net gain requires a Biodiversity Gain Plan to be submitted and approved by the Local Planning Authority to discharge the mandatory biodiversity gain condition prior to the commencement of development. The Gain Plan template is available at: https://www.gov.uk/government/publications/biodiversitygain-plan

5 No building works or 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.

6 Site clearance shall be undertaken in a manner by which to safeguard hedgehogs. All rubble piles, leaf piles, compost heaps, dense vegetation and other general debris that could be used for shelter shall be carefully cleared by hand to a location such as a skip, other container or raised pallets. This shall be undertaken prior to machinery entering site and avoiding the core hibernation period
(November-February). If a hedgehog is discovered during clearance, it shall be moved immediately and carefully with gloved hands to an area of shelter such as beneath adjacent hedgerow/bushes. A short statement of compliance shall be submitted to the

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Local Planning Authority upon completion of clearance works to discharge this condition.

7 The external lighting strategy required by Condition 13 should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features. The Strategy should refer to Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023) and explain how proposals have been designed in compliance with this document.

8 As tree removal is required to facilitate the widening of the driveway, the landscaping plan required by Condition 14 should include the position and specification for all new planting, ensuring that adequate soil volumes are available for all new trees. Where there is potential conflict between new planting and structures/hard landscaping, this should include tree pit design and information regarding root deflectors to prevent damage.

9 The Species Enhancement Plan required by Condition 15 shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:
o integrated universal nest boxes / swift bricks at ratio of 1:1, in line with British Standard 42021:2022, erected at eaves level, avoiding southern elevations.
o integrated bat boxes (1 per dwelling) erected at eaves level, favouring southern elevations.
o bee bricks in dwellings
o fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs in all gardens.

A statement of good practice including photographs should be submitted to the Local Planning Authority prior to fully discharging this condition, demonstrating that the enhancements have been selected and installed in accordance with the above.

10 All activities shall comply with British Standard BS 5228 Code of practice for noise and vibration control on construction and open sites.

11 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

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activities shall temporarily cease until such time as dust suppression measures become effective.

12 No unwanted materials shall be disposed of on site by burning.

13 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:

SS3 - Settlement Hierarchy
H1 - Housing Development Within Urban Areas & Key Villages
EN1 - Climate Change
EN3 - Flood Risk
EN8 - Biodiversity
EN9 - Biodiversity Gains
EN11 - Derelict, Unstable & Contaminated Land
EN15 - Quality and Design of Development
IN1 - Transport

In detail:

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.

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.

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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.