



**Ardip Sandhu**  
**Monitoring Officer**  
**Executive Director – Law and People**  
South Derbyshire District Council,  
Civic Offices, Civic Way,  
Swadlincote, Derbyshire DE11 0AH.

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**Please ask for Democratic Services**  
Phone (01283) 595722/ 595889  
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Date: 12 August 2024

Dear Councillor,

### **Planning Committee**

A Meeting of the **Planning Committee** will be held at **Council Chamber**, Civic offices, Civic Way, Swadlincote on **Tuesday, 20 August 2024 at 18:00**. You are requested to attend.

Yours faithfully,

A handwritten signature in blue ink, appearing to read "A. Sandhu".

**Monitoring Officer**  
**Executive Director – Law and People**

To:- **Labour Group**  
Councillor G Jones (Chair), Councillor D Shepherd (Vice-Chair)  
Councillors I Hudson, A Jones, G Rhind, K Storey, A Tilley and N Tilley

**Conservative Group**  
Councillors K Haines, A Kirke and D Muller.

**Non-Grouped**  
Councillor A Wheelton

**Liberal Democrats**  
Councillor J Davies

## **AGENDA**

### **Open to Public and Press**

- 1** Apologies and to note any substitutes appointed for the Meeting.
- 2** To note any declarations of interest arising from any items on the Agenda
- 3** To receive any questions by Members of the Council pursuant to Council Procedure Rule No. 11.
- 4** REPORT OF THE CHIEF EXECUTIVE **3 - 47**

### **Exclusion of the Public and Press:**

- 5** The Chairman may therefore move:-  
That in accordance with Section 100 (A)(4) of the Local Government Act 1972 (as amended) the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraph of Part I of the Schedule 12A of the Act indicated in the header to each report on the Agenda.
- 6** To receive any exempt questions by Members of the Council pursuant to Council Procedure Rule No. 11.

# **Report of the Chief Executive**

## **Section 1: Planning Applications**

In accordance with the provisions of Section 100D of the Local Government Act 1972, background papers are the contents of the files whose registration numbers are quoted at the head of each report, but this does not include material which is confidential or exempt (as defined in Sections 100A and D of that Act, respectively).

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## 1. Planning Applications

This section also includes reports on applications for: approvals of reserved matters, listed building consent, work to trees in tree preservation orders and conservation areas, conservation area consent, hedgerows work, advertisement consent, notices for permitted development under the General Permitted Development Order 2015 (as amended) responses to County Matters and strategic submissions to the Secretary of State.

Reference	Item	Place	Ward	Page
<a href="#">DMPA/2024/0663</a>	1.1	Boulton Moor	Aston	6
<a href="#">DMPA/2024/0771</a>	1.2	Linton	Linton	14
<a href="#">DMPA/2024/0197</a>	1.3	Rosliston	Linton	22
<a href="#">DMPA/2023/1557</a>	1.4	Woodville	Woodville	27

When moving that a site visit be held, Members will be expected to consider and propose one or more of the following reasons:

1. The issues of fact raised by the report of the Strategic Director (Service Delivery) or offered in explanation at the Committee meeting require further clarification by a demonstration of condition of site.
2. Further issues of principle, other than those specified in the report of the Strategic Director (Service Delivery), arise from a Member's personal knowledge of circumstances on the ground that lead to the need for clarification that may be achieved by a site visit.
3. Implications that may be demonstrated on site arise for consistency of decision making in other similar cases.

## Glossary of terms

The following reports will often abbreviate commonly used terms. For ease of reference, the most common are listed below:

LP1	Local Plan Part 1
LP2	Local Plan Part 2
NP	Neighbourhood Plan
SPD	Supplementary Planning Document
SPG	Supplementary Planning Guidance
PPG	Planning Practice Guidance
NPPF	National Planning Policy Framework
NDG	National Design Guide
SHMA	Strategic Housing Market Assessment
SHELAA	Strategic Housing and Employment Land Availability Assessment
s106	Section 106 (Agreement)
CIL	Community Infrastructure Levy
EIA	Environmental Impact Assessment
AA	Appropriate Assessment (under the Habitat Regulations)
CPO	Compulsory Purchase Order
CACS	Conservation Area Character Statement
HER	Historic Environment Record
LCA	Landscape Character Area
LCT	Landscape Character Type
LNR	Local Nature Reserve
LWS	Local Wildlife Site (pLWS = Potential LWS)
SAC	Special Area of Conservation
SSSI	Site of Special Scientific Interest
TPO	Tree Preservation Order
BNG	Biodiversity Net Gain
PRoW	Public Right of Way
POS	Public Open Space
LAP	Local Area for Play
LEAP	Local Equipped Area for Play
NEAP	Neighbourhood Equipped Area for Play
SuDS	Sustainable Drainage System
LRN	Local Road Network (County Council controlled roads)
SRN	Strategic Road Network (Trunk roads and motorways)
DAS	Design and Access Statement
ES	Environmental Statement (under the EIA Regulations)
FRA	Flood Risk Assessment
GCN	Great Crested Newt(s)
LVIA	Landscape and Visual Impact Assessment
TA	Transport Assessment
CCG	(NHS) Clinical Commissioning Group
CHA	County Highway Authority
DCC	Derbyshire County Council
DWT	Derbyshire Wildlife Trust
EA	Environment Agency
EHO	Environmental Health Officer
LEP	(D2N2) Local Enterprise Partnership
LLFA	Lead Local Flood Authority
NFC	National Forest Company
STW	Severn Trent Water Ltd

**Item No.** 1.1  
**Ref. No.** [DMPA/2024/0663](#)  
**Valid date:** 06/06/2024  
**Applicant:** F. Clegg **Agent:** Adrian Rose (Rose Consulting)  
**Proposal:** Conversion of existing 4-bed dwelling to a children's care home for a maximum of 3 children (Use Class C2)  
**Ward:** Aston

### Reason for committee determination

This item is presented to the Committee as it has been called in by Councillor Corbin for the following reasons: significant public objection; impact on residents; parking impact on residents; concern that if the business is set up privately children are often placed from outside Derbyshire which leaves the County unable to take action if there are issues; quality and qualifications of staff; concern that the development would meet the needs of the children and is not just a business opportunity.

### Executive Summary

The application site is located on a corner plot on the northern and eastern side of Kimbolton Way, Boulton Moor. It comprises a detached 4-bed dwelling with garden to the rear of the dwelling and single (converted) garage that is set back from the highway with space in front for parking 2no. vehicles. The proposal is to change the use from C3 dwelling to C2 children's care home for a maximum of three children, with up to three carers and a manager. There would be no external changes to the building.

There have been 24 neighbour objections from the local community, primarily related to impact on highway safety and parking, and the general impact of the development on the community. The County Highway Authority has not objected to the proposal, with the level of traffic expected to be similar to the existing use as a dwelling, site located in a sustainable location on the urban edge of Derby and sustainable travel measures forming part of the company policy (e.g. bus passes given to carers). It is recommended that a Sustainable Travel Plan be conditioned should the Committee be minded to approve to secure these measures.

Environmental Health has raised concerns, and queried the background checks that would be undertaken of the children and also the measures that would be put in place to rehome children in case difficulties arise. It was confirmed by the applicant that such regulation is provided by Ofsted. The applicant has provided its Good Neighbourhood Policy and agreed to provide a Noise Management Plan prior to first use. It is therefore considered that the development would have a similar level of activity and disturbance as would be expected by a C3 dwelling, and the proposal would be in accordance with the policies in the Local Plan.

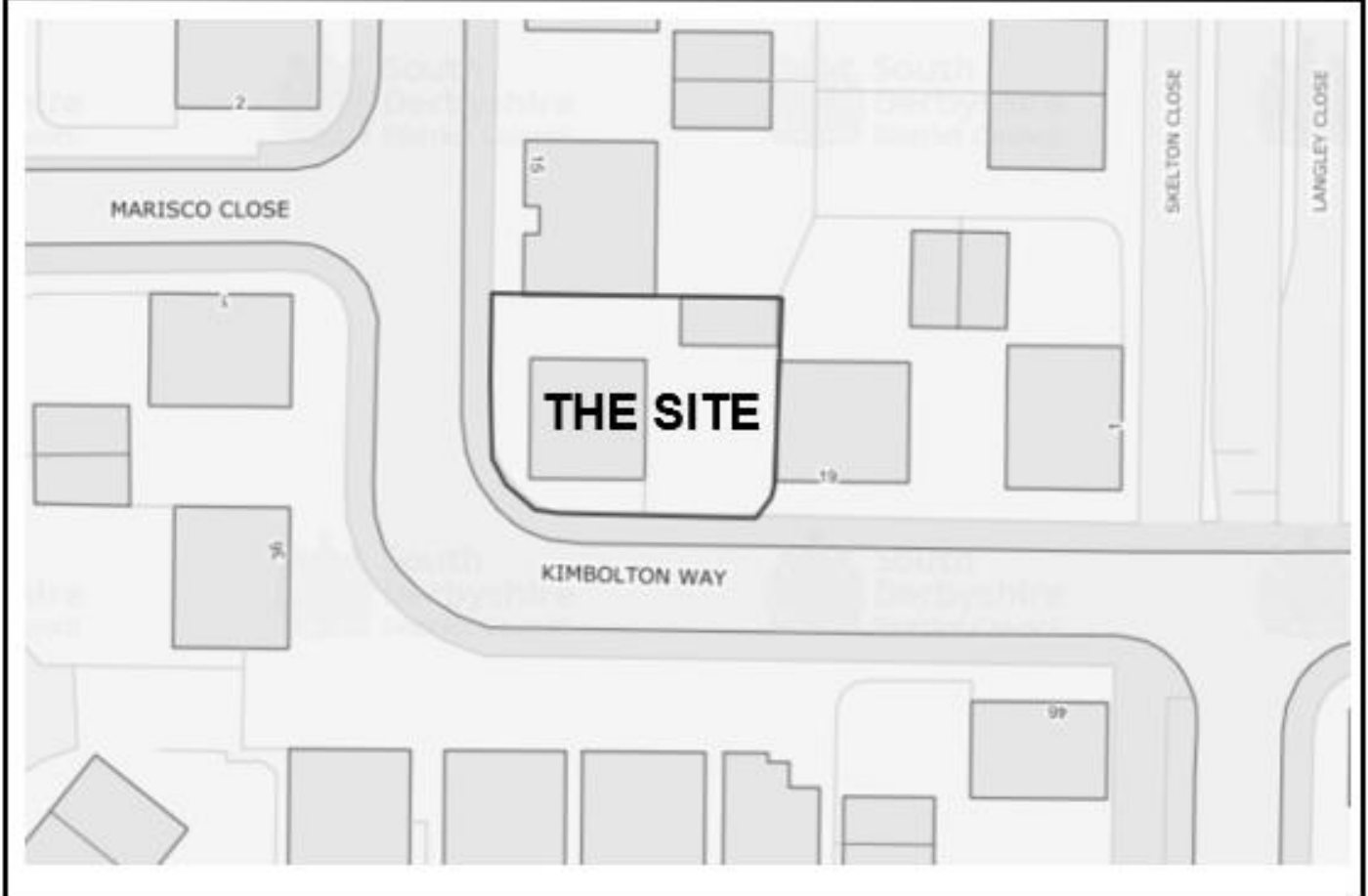
On a national level, there is Governmental support for children's homes, which is attributed substantial weight. The concerns of the local community are that the proposal would cause undue impact on amenity in terms of noise, disturbance and highway issues through parking and increased visitors. In this instance it is considered that the proposal would not give rise to significant detrimental impact and that the application would be in compliance with Local Plan policies including the settlement hierarchy. The material considerations would not outweigh the policy support provided in principle for the development, and the application is recommended for approval.

### Site Description

The application site is located on a corner plot on the northern and eastern side of Kimbolton Way, Boulton Moor. It comprises a detached 4-bed dwelling with garden to the rear of the dwelling and single (converted) garage that is set back from the highway with space in front for parking 2no. vehicles. The floor plan incorporates 4no. bedrooms and 2no. bathrooms at first floor level, an open-plan kitchen and

**DMPA/2024/0663 – 17 Kimbolton Way, Boulton Moor, Derby, DE24 5AZ**

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dining area at ground floor with separate living room at ground floor. The site is surrounded by

residential development with the highway intervening to the south and west. The nearest neighbouring dwelling is 15 Kimbolton Way which is to the north of the property's driveway.

## **The proposal**

The proposal is for the change of use of the building from a dwelling (Use Class C3) to a children's home for up to three children, with up to three carers and a manager, with two sleeping overnight (sharing one room) working on a rota basis (Use Class C2). There would be no external alterations to the building as part of the change of use. The Parking Plan shows that there would be parking for 2. no vehicles.

## **Applicant's supporting information**

- Location Plan (CTR-Y24-01-03, Rev B)
- Elevations and Floor Plans (CTR-Y24-01-02, Rev A)
- Parking Plan (CTR-Y24-01-06, Rev B)
- Planning Statement (28 May 2024)
- Design and Access Statement (Rose Consulting, 09 July 2024)
- Good Neighbourhood Policy (AA&J Supporting Services, received 24 July 2024)

## **Relevant planning history**

DMPN/2024/0840 Certificate of Lawfulness for proposed change of use from a dwelling (Use Class C3a) to a children's home (Use Class C2) – pending consideration

DMPA/2024/0171 Erection of an extension to the existing garage – approved 20/03/2024

9/2013/0802 Approval of reserved matters of application 9/2010/1134/rm for the erection of 284 dwellings with associated infrastructure, access roads, drainage and public open space (Boulton Moor Phases 1a & 1b) – approved 11/04/2014

## **Responses to consultations and publicity**

### County Highways Authority

Having reviewed the submitted information it is considered that the parking demand and vehicular movements associated with the proposal will not be materially different from that of a 4 bedroomed dwelling. The proposed measures to encourage sustainable travel to the site are welcomed. Taking the above into account there are no highway objections to the application. (19/06/2024)

### Environmental Health

*Initial Response* - The children occupying such homes often have complex behavioural needs and challenging behaviour. In my experience of dealing with complaints from similar facilities, this can frequently result in episodes of shouting and screaming. To the best of my knowledge, staff are usually not permitted to restrain children, or prevent them from going outside during antisocial hours when these episodes occur. As a result, effective management can be very difficult. I would therefore suggest that we need to ensure that robust systems are in place to be able to address such issues to ensure that the proposals accord with the requirements of the National Planning Policy Framework, and to assist with this I advise the applicant is asked to respond on the following points:

1. What background checks will be undertaken to ensure that a child is suitable for care in such a setting?
2. In the event that a child's behaviour becomes too difficult to control for the staff in the proposed facility, and significant amenity impacts arise, what steps to rehome this occupant can be taken and how long would this take? (14/06/2024)

*Subsequent Response* - I would be happy with the suggested condition regarding a NMP and agree that the comments should mirror each other and therefore suggest that a 2 year temporary permission is granted. (30/07/2024)

### Neighbour Responses

24 no. objections (including 3no. repeated) were received in response to the planning consultation. The comments highlighted the following matters:

- a) Increase in traffic and parking demand, with the dwelling and area already having limited parking provision and congestion. The site is located on a 90-degree 'blind' bend with roads in the area noted as 'narrow'. Ultimately the development will impact on highway safety or access for emergency services.
- b) The garage has been converted into an office so would not count as a parking space.
- c) There is no street parking on Kimbolton Way.
- d) Impact on neighbouring property values including from signage.
- e) Property currently operates as an Air BnB which causes its own problems.
- f) Inappropriate location for the proposed development and dwelling not fit for the intended purpose.
- g) Development would present risk to the children of families in the surrounding homes.
- h) Concern about noise.
- i) Ratio of staff to children is not realistic.
- j) The development would breach covenants in the property's lease agreement.
- k) The application has been submitted for financial gain to capitalise on government grants and mortgage opportunities given to children's homes.
- l) Concern that the garden size is too small.

1no. comment of support was also received highlighting that the staff would be encouraged to use public transport or cycle to work; and urged the community to shift mindset from negative impacts on parking to positive impact of improving children's quality of life.

### **Relevant policy, guidance and/or legislation**

The relevant Development Plan policies are:

- Local Plan Parts 1 and 2: H1 (Settlement Hierarchy), SD1 (Amenity and Environmental Quality), INF2 (Sustainable Transport), BNE1 (Design Excellence)

The relevant local guidance is:

- South Derbyshire Design Guide Supplementary Planning Document (SPD)

The relevant national policy and guidance is:

- National Planning Policy Framework (NPPF);
- Planning Practice Guidance (PPG).

### **Planning considerations**

The determining issues are as follows:

1. Principle of the development;
2. Highway Safety;
3. Residential Amenity;
4. Other Matters.

### **Planning assessment**

#### Principle of the Development

There is no specific policy that relates to the principle of the provision of children's care homes within the Local Plan. The Department for Levelling Up, Housing and Communities Message from Chief Planner (dated 19 June 2023), which draws on the Planning for Accommodation for Looked After Children Ministerial Statement (dated 23 May 2023) however states:

*'The planning system should not be a barrier to providing homes for the most vulnerable children in society. The purpose of the statement is to remind local planning authorities that, as set out in paragraph 62 of the National Planning Policy Framework, local planning authorities should assess the size, type and tenure of housing needed for different groups in the community and reflect this in planning policies and decisions. Local planning authorities should consider whether it is appropriate to include accommodation for children in need of social services care as part of that assessment. Local planning authorities should give due weight to and be supportive of applications, where appropriate, for all types of accommodation for looked after children in their area that reflect local needs*

*and all parties in the development process should work together closely to facilitate the timely delivery of such vital accommodation for children across the country’.*

Policy H1 of the Local Plan sets out the Settlement Hierarchy for the District which is based on the range of services and facilities that are offered by each settlement. The application site is located within the urban area adjacent to Derby where development of all sizes is considered appropriate. The principle of the development for a children’s home would accord with Policy H1. Overall, the proposal would accord with national and local policy and would be acceptable in principle.

#### Highway Safety

The NPPF (Paragraph 111) states that: *‘development should only be prevented or refused on highways ground if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.’* Policy INF2 sets the policy framework for sustainable transport and states that planning permission will be granted for development where appropriate provision is made for safe and convenient access to and within the development for users of the private car and other modes of transport.

The proposal would use the existing access to the site. The applicant has provided information on the proposed parking arrangement and staffing shift patterns in the Parking Plan (CTR-Y24-01-06, Rev B), Planning Statement (28 May 2024), and Design and Access Statement (Rose Consulting, 09 July 2024). The Schedule of Proposed Uses (Page 13 of the Design and Access Statement) shows that there would be an estimated increase in comings and goings from 6-8 movements in the existing use as a dwellinghouse to 8-10 movements for the children’s home. It is noted that concerns were raised by members of the local community regarding parking provision and associated impact on highway safety, particularly due to the site’s location on a bend. Also, that there is limited on street parking and the garage has been converted to an office.

The Design and Access Statement, paragraph 2.10 states that *‘it is company policy to encourage staff to use public transport (with free bus passes), subsidised taxi fares or bicycle and not to allow on street parking. An electric/hybrid vehicle will be available on site to transport the children when necessary to school or for other visits’.* The County Highway Authority raised no objection and commented that the movements associated with the proposal will not be materially different from that of a 4 bedroomed dwelling. The sustainable location of the application site on the urban edge of Derby is noted and the commitment to sustainable transport measures. Taking all of this into account, and in particular the absence of any objection from the Highway Authority and wording of the NPPF, it is not considered reasonable to recommend refusal on the potential impact of the development on the public highway.

The proposal is therefore considered to accord with Policy INF2 of the Local Plan. It is recommended that a condition be added to secure the parking layout presented on the site plan prior to first use. Additionally, the Planning Committee could consider it would be reasonable to attach a condition to require submission of a Sustainable Travel Plan to ensure the commitments made in the Design and Access Statement, which are understood to be company policy, are brought under planning control.

#### Amenity

Policy BNE1 sets out principles for design excellence, which is supported by the detail within the South Derbyshire Design Guide SPD. Policy SD1 states that the Council will support development that does not lead to adverse impacts on the environment or amenity of existing and future occupiers within or around proposed developments.

The appeal decision relating to 61 Ashby Road, Woodville (DMPA/2022/1202, appeal reference: APP/F1040/W/23/3319968) for a children’s home to accommodate 4no. children is noted. In this case the Planning Inspector recognised that there is a difference in use of a property as dwellinghouse or care home, however concluded that the proposal would not result in any unacceptable impacts on the living conditions of neighbouring occupants, and the appeal was allowed.

The site is located in a residential area and the concerns of the local community are noted in respect to the potential for noise and disturbance to arise from the development. The Council’s Environmental Health Officer (EHO) has been consulted as part of the planning process and highlighted the difficulties

that can be encountered with similar businesses within the District. The EHO requested reassurance background checks would be included to ensure that the children would be suited to care in such setting, and that measures would be in place for potentially rehoming children elsewhere in that difficulties should arise. A local Councillor also raised concerns about the placement of children and lack of County powers to rehome children if issues arise.

It is noted in paragraph 2.7 of the Design and Access Statement that there would be regular visits by local social services (every six weeks with one Regulation 44 visit per month). The home would be registered with and regulated by Ofsted. It is noted at paragraph 2.18 that Ofsted's regulatory powers extend to having the option to close a home if it failed to meet regulatory requirements. Paragraph 2.20 notes that '*unless they are approved by local authority social services department, children will not be placed in the home*'.

On this basis it is apparent that there is sufficient regulation in place through external systems to address the EHO's and others regulatory concerns. Whilst the concerns are not unfounded (from other properties within the District), the appeal decision for 61 Ashby Road is also pertinent. Section 3.25 acknowledges concerns related to 'Fear of Crime / Noise Nuisance' from such developments and asserts that the nature of the children should not be material in the determination of the planning application.

The applicant has submitted various documents including a Good Neighbourhood Policy, which set out measures that the staff would seek to implement (e.g. designated quiet times during the day, community engagement). Neighbours would be encouraged to raise any concerns with the management team or staff. Section 3.25 of the Design and Access Statement also proposes that a Noise Management Plan could be agreed prior to the home opening if considered necessary. The applicant has provided information to provide reassurance that the development would be managed to minimise the impact on the amenity of neighbouring residents. It is considered that the development would have a similar level of activity and disturbance as would be expected by a C3 dwelling. The proposal is therefore deemed to comply with policies BNE1 and SD1 as it is considered that there would be no undue impact on neighbouring properties.

### Other Matters

The local community highlighted that the property is currently an Air BnB. This would not make a material difference to determination of the current application. The local community that highlighted that the development would be inappropriate for the proposed location. However, the site is located on the urban edge of Derby and proposal is in accordance with the District's settlement hierarchy. The planning application is for a class C2 residential institution which would be located adjacent to residential properties (class C3). This is considered an appropriate use class in the context.

It is asserted that the ratio of staff to children is not realistic. The number of children and carers would be incorporated as part of the planning conditions if the Planning Committee is minded to approve. The garden size was considered appropriate as part of the original planning permission for Boulton Moor. The change of use would not result in an increased garden requirement compared to that of a dwelling.

Matters including potential antisocial behaviour, the impact on property value, a potential breach of covenants in lease agreement, staff qualifications, the compliance with government grants for children's homes, are beyond the scope of the planning system and do not comprise material planning considerations.

### Conclusion

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. In this case there is no specific policy that relates to the principle of the provision of

children's care homes within the Local Plan, and the Department for Levelling Up, Housing and Communities Message from Chief Planner (dated 19 June 2023) and Planning for Accommodation for Looked After Children Ministerial Statement (dated 23 May 2023) are material in the principle of this case.

There is concern about the proposal within the local community, particularly related to potential noise and disturbance, including impact on the local highway. Officers consider that the proposal would provide sufficient parking when considered together with the sustainable transport options promoted by the company, and the Highway Authority is satisfied that there would be no material impact on the safety of the public highway. The Council's EHO requested information on the background checks that would be undertaken prior to placing children in the home, and measure that would be adopted in the case that difficulties are encountered with particular placements; and the applicant has confirmed that both aspects are regulated by Ofsted who has powers to relocate children if necessary. The applicant has provided information to provide reassurance that the development would be managed to minimise the impact on the amenity of neighbouring residents. Overall, the development is considered to have a similar level of activity and disturbance as would be expected by a C3 dwelling and the proposal would therefore comply with policies BNE1 and SD1. Accordingly, there would be no considerations arising that would outweigh the support provided for the development in principle and the application is recommended for approval subject to conditions.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above, noting that conditions or obligations have been attached where meeting the tests for their imposition. Where relevant, regard has been had to the public sector equality duty, as required by section 149 of the Equality Act 2010 and to local finance considerations (as far as it is material), as required by section 70(2) of the Town and Country Planning Act 1990 (as amended), as well as climate change, human rights and other international legislation.

### **Recommendation**

Approve subject to conditions.

1. The development hereby approved shall be begun before the expiration of three years from the date of this permission.  
Reason: To conform with Section 91 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 in accordance with plans/drawings: Location Plan (CTR-Y24-01-03, Rev B), Elevations and Floor Plans (CTR-Y24-01-02, Rev A), Parking Plan (CTR-Y24-01-06, Rev B), Planning Statement (28 May 2024), Design and Access Statement (Rose Consulting, 09 July 2024), Good Neighbourhood Policy (AA&J Supporting Services, received 24 July 2024), unless otherwise required by condition attached to this permission or following approval of an application made pursuant to Section 96A of the Town and Country Planning Act 1990.  
  
Reason: In accordance with policy BNE1 of the Local Plan and for the avoidance of doubt and in the interests of achieving sustainable development.
3. Prior to first use of the development, a noise management plan for the development shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be fully implemented before first use and thereafter operated in accordance with it with any mitigation maintained in situ/in working order.  
  
Reason: In the interest of the amenity of the locality and in accordance with Policies BNE1 and SD1 of the Local Plan.
4. Prior to first use of the development, a Sustainable Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be fully implemented and thereafter operated in accordance with it for the lifetime of the development.

Reason: In the interest of securing commitment to sustainable travel practices and in accordance with Policy INF2.

5. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2015 (as amended) the premises shall be used solely for the purposes of a children's home, as defined by Class C2 of that legislation, and for no other purposes whatsoever. Proposals to use the premises for any other purpose within that class shall not take place unless a separate formal planning application has first been submitted to and approved in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain a degree of control over the development with respect to amenity considerations and parking, and to avoid unsustainable development in accordance with Policies BNE1 and INF2 of the Local Plan.

6. The use hereby approved will accommodate a maximum of 3no. children and 4 no. carers (including 1no. manager) within the site at any one time (excluding staff changeover times) as per the Design and Access Statement. This arrangement will be retained for the lifetime of the development.

Reason: To enable the Local Planning Authority to retain a degree of control over the development with respect to amenity considerations and parking, and to avoid unsustainable development in accordance with Policies BNE1 and INF2 of the Local Plan.

7. The parking arrangement shall be retained in accordance with the approved Parking Plan CTR-Y24-01-06, Rev B for the lifetime of the development.

Reason: In the interests of ensuring sufficient parking for the development and promoting sustainable modes of transport in accordance with policy INF2 of the Local Plan.

**Item No.** 1.2  
**Ref. No.** [DMPA/2024/0771](#)  
**Valid date:** 04/06/2024  
**Applicant:** A. Abassi **Agent:** LUX Architecture UK  
**Proposal:** Change of use from Dwelling (use class C3) to Children's Home (use class C2) at 73 Coton Park, Linton, Swadlincote  
**Ward:** Linton

### Reason for committee determination

This item is presented to the Committee as it has been called in by Councillor Tilley due to significant issues with parking and concerns from neighbours.

### Executive Summary

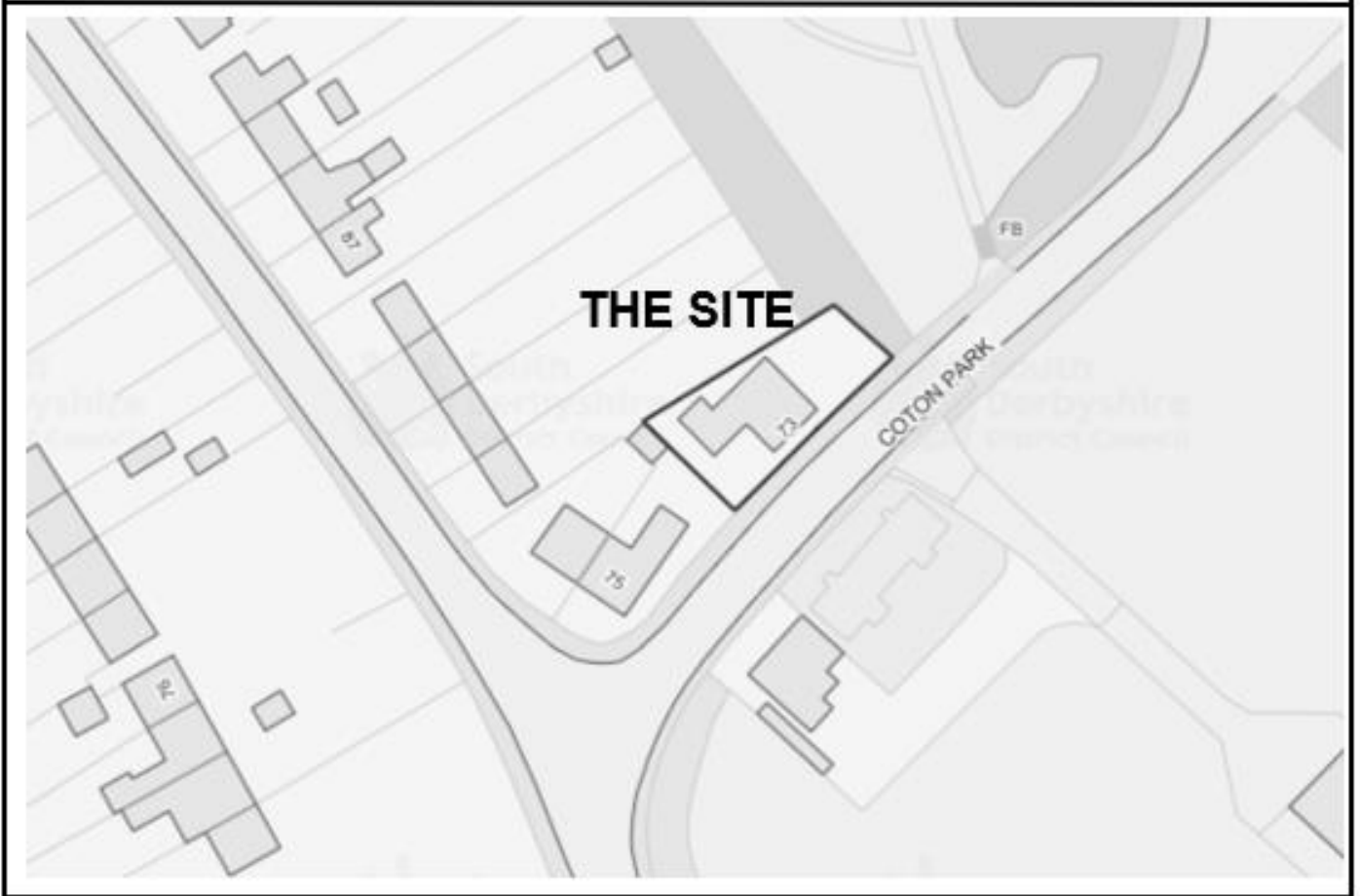
The application site is located on the northern side of Coton Park road and comprises a 4-bed detached dwelling with private amenity space. Parking is provided to the front of the dwelling comprising 2no. spaces on the existing driveway and 1no. space within the existing garage. The proposal is for change of use of the dwelling to a children's home that would cater for up to three children between the age of 8-17, with two adult carers occupying the property at all times (on a shift pattern). A home manager would also be a regular visitor for administrative and supervision purposes. Parking would be provided for 3no. vehicles (i.e. an increase of 1no. space compared to the existing), and a small section of the wall on the southern boundary would be removed to facilitate this.

Concerns have been raised by the local community and Parish Council about the impact of the proposal on highway safety, parking provision, and disturbance and noise that could arise from the occupants. The County Highways Authority has not objected to the proposal and commented that the use would have a similar level of activity to the existing use as a C3 dwelling. Environmental Health have raised concerns about the development and requested the provision of a noise management plan and recommended a temporary permission. It is noted that the application relates to the Use Class rather than the particular occupants, and it would not be reasonable to restrict the development for a temporary permission.

It is considered by Officers that the proposed use would not give rise to significant detrimental impact on neighbouring properties as the use would operate in a similar way to a C3 dwelling, and that the application would therefore be in compliance with Local Plan policies. On a national level, there is Governmental support for children's homes, which is attributed substantial weight. Conditions are recommended to secure the noise management plan, for sustainable travel plan, and other matters. With these conditions in place, it is considered that the application complies with Policies INF2, BNE1 and SD1 of the Local Plan and accordingly is recommended for approval.

### Site Description

The application site is located on the northern side of Coton Park road, within the area's settlement boundary. The site is located in proximity to the bend to the east in the road and comprises a single detached dwelling that is orientated perpendicular to the main pattern of development which runs linearly in a north-south direction along Coton Park road. Access is provided via a dropped kerb from Coton Park road and there is parking within the driveway for 2no. cars and an additional space within the existing garage. The property floor plan has 4no. bedrooms, bathroom and ensuite at first floor level, an open plan kitchen and lounge at ground floor together with study, utility and W/C rooms. An area of private amenity space is provided to the east of the dwelling.



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## The proposal

The proposal is for change of use of the dwelling to a children's home that would cater for up to three children between the age of 8-17, with two adult carers occupying the property at all times (on a shift pattern). A home manager would also be a regular visitor for administrative and supervision purposes. Parking would be provided for 3no. vehicles (i.e. an increase of 1no. space compared to the existing), and a small section of the wall on the southern boundary would be removed to facilitate this together with an extension to the existing dropped kerb. The garage parking space would also be retained. Shift changeover times would be arranged for 11:00am lasting a duration of 30 minutes. There would be no external changes except for the parking arrangement, and replacement of the existing 3ft fence on the northern boundary with a 6ft fence.

## Applicant's supporting information

- Location Plan (received 4 June 2024)
- Existing Floor Plans (LUX\_029, 02 00 01, P01)
- Proposed Floor Plans (LUX\_029, 20 00 01)
- Site Block Plan as Proposed (LUX\_029 00.00.01 P01)
- Parking Plan (LUX\_029, 00 20 01, P02)
- Planning Statement (LUX Architecture, June 2024)
- Good Neighbour Policy (Roots Care Group, Version 1.0, April 2024)
- Management Plan (Roots Care Group, received 17 June 2024)

## Relevant planning history

9/2013/0239 The erection of a dwelling – approved with conditions (May 2013)

## Responses to consultations and publicity

### County Highways Authority

*Initial Response* - Having reviewed the submitted information it is considered that the parking demand and vehicular movements associated with the proposal will not be materially different from that of the existing 4 bedroomed dwelling. The proposed measures to encourage sustainable travel to the site are welcomed. Taking the above into account there are no highway objections to the application.  
(24/06/2024)

*Subsequent Response* (following clarification on boundary wall) – suggested condition for development not to be brought into use until access for vehicles has been widened to enable all parking spaces to be satisfactorily accessed, and informative to highlight a section 184 licence would be required.  
(30/07/2024)

### Environmental Health

In summary, I have significant concerns that the introduction of a private care home into a quiet semi-rural location will introduce excessive noise, that will be incongruent with the local area, arising from:

1. Regular visits from residential care home staff, and other associated support workers. Some of this will be during antisocial hours, which will be largely dictated to by the needs of those being cared for.
2. Regular episodes of shouting, screaming and other antisocial behaviour

The applicant has provided some information in regards how noise will be controlled, however the level of detail is quite limited, and they have not satisfied me that sufficiently robust controls are in place.

I am however aware of the ministerial statement issued last year by the Minister of State Department for Levelling up, Housing and Communities that confirmed 'that the planning system should not be a barrier to providing homes to the most vulnerable children in society'. The statement does not however state that the imposition of appropriate conditions is unreasonable.

I recommend therefore that consideration is given to the granting of a 2 year temporary permission, so that the impacts of the proposals upon the community can be fully evaluated. I also recommend the following condition:

1. Prior to the development being brought into first use, a noise management plan must be submitted to the LPA and approved in writing. The management plan must be implemented in full thereafter.

(19/06/2024)

### Linton Parish Council

Linton Parish Council are writing to object to the proposed residential development on the land behind Badger's Hollow Recreation Ground for the following reasons:

#### Potential Noise Impact on the Community

1. Lack of Priority for Community Noise Impact: Care providers and placing authorities often overlook the significant noise impact on the wider community, which can be difficult to address retrospectively.
2. Potential for Unsuitable Placements: Inadequate assessment of care needs or changes in residents' circumstances may lead to unsuitable placements, resulting in noise-related issues.
3. Limited Control by Care Home Staff: Staff cannot prevent the children from leaving the property at any time, potentially leading to antisocial behaviour and noise nuisance both on and off the premises.
4. Insufficient Police Intervention: Experience with this type of care home shows that regular police contact by concerned members of the public often fail to adequately address these issues raised.
5. Limitations of Environmental Health Interventions: While Environmental Health departments can investigate and serve noise abatement notices, this process is often protracted and requires multi-agency engagement, with unsatisfactory outcomes.

#### Specific Concerns for the Proposed Development:

- a) Incongruence with Quiet Rural Location: The introduction of a private care home may introduce excessive noise that is incompatible with the local area's character.
- b) Anticipated Noise Sources: 1. Regular visits from residential care home staff and associated support workers, including during antisocial hours. 2. Potential episodes of shouting, screaming, and other antisocial behaviour could be a very real problem.

Should the Planning Authority be minded to approve a comprehensive noise management plan is requested.

Further concerns were raised highlighting lack of containment measures to stop children from running out of leaving the premises unsupervised, and it is asserted that the application does not sufficiently address critical safety concerns. There would be increased risk to local drivers and pedestrians and potential for tragic accidents to occur. (01/07/2024)

### Neighbour Responses

6 no. objections were received in response to the planning consultation. The comments highlighted the following matters:

- a) Concerns that staff would be unable to stop children from wandering off and being a nuisance for residents;
- b) Lack of shops and amenities and nothing for the children to do;
- c) Highway safety concerns due to vehicles speeding on the road;
- d) Insufficient parking;
- e) Limited bus service;
- f) A children's home would attract other youngsters to the area that would likely impact on the residents.

### **Relevant policy, guidance and/or legislation**

The relevant Development Plan policies are:

- Local Plan Parts 1 and 2: H1 (Settlement Hierarchy), SD1 (Amenity and Environmental Quality), INF2 (Sustainable Transport), BNE1 (Design Excellence)

The relevant local guidance is:

- South Derbyshire Design Guide Supplementary Planning Document (SPD)

The relevant national policy and guidance is:

- National Planning Policy Framework (NPPF);
- Planning Practice Guidance (PPG).

### **Planning considerations**

The determining issues are as follows:

1. Principle of the development;

2. Highway Safety;
3. Residential Amenity;
4. Other Matters.

## **Planning assessment**

### Principle of the Development

There is no specific policy that relates to the principle of the provision of children's care homes within the Local Plan. The Department for Levelling Up, Housing and Communities Message from Chief Planner (dated 19 June 2023), which draws on the Planning for Accommodation for Looked After Children Ministerial Statement (dated 23 May 2023) however states:

*'The planning system should not be a barrier to providing homes for the most vulnerable children in society. The purpose of the statement is to remind local planning authorities that, as set out in paragraph 62 of the National Planning Policy Framework, local planning authorities should assess the size, type and tenure of housing needed for different groups in the community and reflect this in planning policies and decisions. Local planning authorities should consider whether it is appropriate to include accommodation for children in need of social services care as part of that assessment. Local planning authorities should give due weight to and be supportive of applications, where appropriate, for all types of accommodation for looked after children in their area that reflect local needs and all parties in the development process should work together closely to facilitate the timely delivery of such vital accommodation for children across the country.'*

Policy H1 of the Local Plan sets out the Settlement Hierarchy for the District which is based on the range of services and facilities that are offered by each settlement. The application site is located within the settlement boundary for Coton Park which is identified as a rural village where development of a limited nature would be supported. The comments from the local community are noted highlighting the lack of amenities and activities that would be available to the children. The site is located within the settlement boundary and would however be in accordance with the District's Settlement Hierarchy and Policy H1. It would accord with national and local policy and would be acceptable in principle.

### Highway Safety

The NPPF (Paragraph 111) states that: *'development should only be prevented or refused on highways ground if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'* Policy INF2 sets the policy framework for sustainable transport and states that planning permission will be granted for development where appropriate provision is made for safe and convenient access to and within the development for users of the private car and other modes of transport.

The proposal would use the existing access to the site. Three parking spaces would be provided on the driveway, with a small section of the existing wall removed to facilitate the additional driveway space. An additional parking space is available within the garage. Highways issues were raised as a matter of concern by the local community and Parish Council, including inadequate local bus services. The Highway Authority raised no objection to the proposals, highlighting that the level of activity would be similar to that of a normal dwelling. The Planning Statement highlights that a cycle to work scheme would be encouraged for staff members, as well as a car share, and use of taxis for outings with the children. The Highway Authority welcomed the sustainable travel measures. With respect to the concerns about children running out from the premises onto the road, it is noted that the property's garden is fenced all round and that the gates/doors to the driveway could be appropriately secured. In the absence of any objection from the Highway Authority and wording of the NPPF, it would not be reasonable to recommend refusal on the potential impact of the development on the public highway. The proposal is considered to provide sufficient parking for the proposal and to accord with Policy INF2 of the Local Plan. It is recommended that a condition be added to secure the parking layout presented on the site plan prior to first use, and a condition could be added to require provision of a Sustainable Travel Plan to secure the proposed measures for alternative modes of travel.

### Amenity

Policy BNE1 sets out principles for design excellence, which is supported by the detail within the South

Derbyshire Design Guide SPD. Policy SD1 states that the Council will support development that does not lead to adverse impacts on the environment or amenity of existing and future occupiers within or around proposed developments.

The appeal decision relating to 61 Ashby Road, Woodville (DMPA/2022/1202, appeal reference: APP/F1040/W/23/3319968) for a children's home to accommodate 4no. children is noted. In this case the Planning Inspector recognised that there is a difference in use of a property as dwellinghouse or care home, however concluded that the proposal would not result in any unacceptable impacts on the living conditions of neighbouring occupants, and the appeal was allowed.

The site is located in a residential area and the concerns of the local community are noted in respect to the potential for noise and disturbance to arise from the development. The Council's Environmental Health Officer (EHO) has been consulted as part of the planning process and highlighted the difficulties that can be encountered with similar businesses within the District. The EHO requested a temporary planning permission of two years to enable the impacts of the proposals on the community to be fully evaluated. Also, for a noise management plan to be secured by condition prior to first use. The Parish Council reiterated the request for noise management plan.

The applicant has submitted various documents including a Good Neighbour Policy, Management Plan and Planning Statement which state that the care group is committed to engaging with the local community, respecting the rights of others, and conscious of how the home presents to its neighbours, having regular audits to ensure the home is maintained to high standards, keeping boundaries and garden in excellent condition, ensuring noise levels are kept low, using lighting appropriately and other measures. Information on the circumstances under which children are allowed to leave the property, security and CCTV are provided in the Management Plan. A compliments, suggestions and complains procedure has also been set out. The supporting documents highlight that the aim would be for the children's home to be operated as closely as possible to a typical family household, and that the occupants would seek to integrate within the local community.

The applicant has provided information to provide reassurance that the development would be managed to minimise the impact on the amenity of neighbouring residents. It is considered that the development would have a similar level of activity and disturbance, and would function overall, as would be expected by a C3 dwelling.

The EHO request to limit the development to a temporary permission is noted, however it is emphasised that the application relates to the Use Class rather than the particular occupants, and therefore this would not be considered necessary. Similarly, the potential 'nuisance' concerns raised by the local community are noted, however the behaviour of occupants cannot be controlled by Use Class and the same concerns could arise from the C3 (dwelling). On the other hand, given the concerns raised it would however be reasonable to secure a Noise Management Plan through planning condition, and with such a condition in place, it is considered that the proposal would comply with policies BNE1 and SD1.

### Conclusion

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. In this case there is no specific policy that relates to the principle of the provision of children's care homes within the Local Plan, and the Department for Levelling Up, Housing and Communities Message from Chief Planner (dated 19 June 2023) and Planning for Accommodation for Looked After Children Ministerial Statement (dated 23 May 2023) are material in the principle of this case.

There is concern about the proposal within the local community, particularly related to highway safety and noise and disturbance. The proposal would provide sufficient parking when considered together with the sustainable transport options promoted by the company, and the Highway Authority is satisfied that there would be no material impact on the safety of the public highway. The Council's EHO requested a noise management plan, which would be reasonable to attach to any forthcoming planning permission. The request for a temporary permission is not however considered necessary, as the

permission would be for the Use Class rather than particular occupants. Overall, the development is considered to have a similar level of activity and disturbance as would be expected by a C3 dwelling and the proposal would therefore comply with policies BNE1 and SD1. Accordingly, there would be no considerations arising that would outweigh the support provided for the development in principle and the application is recommended for approval subject to conditions.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above, noting that conditions or obligations have been attached where meeting the tests for their imposition. Where relevant, regard has been had to the public sector equality duty, as required by section 149 of the Equality Act 2010 and to local finance considerations (as far as it is material), as required by section 70(2) of the Town and Country Planning Act 1990 (as amended), as well as climate change, human rights and other international legislation.

## **Recommendation**

Approve with conditions

1. The development hereby approved shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91 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 in accordance with plans/drawings: Location Plan (received 4 June 2024); Existing Floor Plans (LUX\_029, 02 00 01, P01); Proposed Floor Plans (LUX\_029, 20 00 01); Site Block Plan as Proposed (LUX\_029 00.00.01 P01); Parking Plan (LUX\_029, 00 20 01, P02); Planning Statement (LUX Architecture, June 2024); Good Neighbour Policy (Roots Care Group, Version 1.0, April 2024); Management Plan (Roots Care Group, received 17 June 2024), unless otherwise required by condition attached to this permission or following approval of an application made pursuant to Section 96A of the Town and Country Planning Act 1990.

Reason: In accordance with policy BNE1 of the Local Plan and for the avoidance of doubt and in the interests of achieving sustainable development.

3. Prior to first use of the development, a noise management plan for the development shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be fully implemented before first use and thereafter operated in accordance with it with any mitigation maintained in situ/in working order.

Reason: In the interest of the amenity of the locality and in accordance with Policies BNE1 and SD1 of the Local Plan.

4. The development hereby approved shall not be brought into use until the access for vehicles has been widened to enable all parking spaces to be satisfactorily accessed.

Reason: In the interest of highway safety and in accordance with Policy INF2 of the Local Plan.

5. Prior to first use of the development, a Sustainable Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be fully implemented and thereafter operated in accordance with it for the lifetime of the development.

Reason: In the interest of securing commitment to sustainable travel practices and in accordance with Policy INF2.

6. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2015 (as amended) the premises shall be used solely for the purposes of a children's home, as defined by Class C2 of that legislation, and for no other purposes whatsoever. Proposals to use the premises for any other purpose within that class shall not take place unless a separate formal planning application has first been submitted to and approved in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain a degree of control over the development with respect to amenity considerations and parking, and to avoid unsustainable development in accordance with Policies BNE1 and INF2 of the Local Plan.

7. The use hereby approved will accommodate a maximum of 3no. children and 3 no. carers (including 1no. manager) within the site at any one time (excluding staff changeover times) as per the Design and Access Statement. This arrangement will be retained for the lifetime of the development.

Reason: To enable the Local Planning Authority to retain a degree of control over the development with respect to amenity considerations and parking, and to avoid unsustainable development in accordance with Policies BNE1 and INF2 of the Local Plan.

8. The parking arrangement shall be retained in accordance with the approved Parking Plan (LUX\_029, 00 20 01, P01) for the lifetime of the development.

Reason: In the interests of ensuring sufficient parking for the development and promoting sustainable modes of transport in accordance with policy INF2 of the Local Plan.

Informatives:

- a. The Local Highway Authority has no objection to the above subject to the applicant obtaining a Section 184 license to undertake work in the public highway. The improvement to the vehicle access will require the extension of 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 before commencing any works on the highway, details can be found at:  
[www.derbyshire.gov.uk/transport-roads/roads-traffic/licences-enforcements/vehicular-access/vehicle-accesses-crossovers-and-dropped-kerbs.aspx](http://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](mailto:highways.hub@derbyshire.gov.uk)

**Item No.** 1.3  
**Ref. No.** [DMPA/2024/0197](#)  
**Valid date:** 20/02/2024  
**Applicant:** Rosliston Parish Council      **Agent:** Lowe Architects  
**Proposal:** Internal and external alterations to the changing facilities at Rosliston Girls Football Club, Strawberry Lane, Rosliston, Swadlincote, DE12 8JA  
**Ward:** Linton

### **Executive Summary**

The Rosliston Girls Football Club changing facilities are situated in the south-eastern corner of the playing fields at Strawberry Lane, Rosliston, adjacent to the allotments. The building is located to the rear (north-east) of properties on Linton Road on land owned by South Derbyshire District Council.

The proposal is to renovate the existing building to include a covered viewing area (canopy) on the front elevation, together with 2no. additional doorways in the place of existing windows (1no. set of bifold doors and 1no. single doorway). There would be an additional window on the rear elevation. All windows and doors would be dark grey aluminium. Internally the building would be reconfigured to incorporate a flexible space, kitchenette, boiler room, additional W/C (including accessible facilities).

The proposal would renovate and enhance an existing community facility which would be in accordance with the aims of policy INF6 (protecting community facilities) and acceptable in principle. The design of the external alterations would be appropriate and acceptable within the context of Policy BNE1, and the building is sufficiently distanced from neighbouring dwellings such that their amenity would not be materially affected. The application is recommended for approval subject to conditions.

### **Reason for committee determination**

This item is presented to the Committee as South Derbyshire District Council owns the land to which the planning application relates.

### **Site Description**

The Rosliston Girls Football Club changing facilities are situated in the south-eastern corner of the playing fields at Strawberry Lane, Rosliston, adjacent to the allotments. The building is located to the rear (north-east) of properties on Linton Road on land owned by South Derbyshire District Council. Access is provided from Strawberry Lane with informal parking provided through a gateway. A footpath connects from the parking area to the building. The existing building is rectangular with an asymmetric gable roof design. There is a central door facing towards the pitches and small rectangular windows on each of the elevations. The building incorporates 2no. changing spaces with showers and W/Cs. Materials comprise brown facing brickwork and concrete pan tiles.

### **The proposal**

The proposal is to renovate the existing building to include a covered viewing area (canopy) on the front elevation, together with 2no. additional doorways in the place of existing windows (1no. set of bifold doors and 1no. single doorway). There would be an additional window on the rear elevation. All new windows and doors would be dark grey aluminium. The canopy would be formed from grey coloured metal with Glass Reinforced Plastic (GRP) canopy. A small ramp of 150mm will connect to ensure accessibility for all to the viewing area. A patio area would be provided in front of the canopy that would be formed from grey non slip 600mm x 600mm paving slabs. Internally the building would be reconfigured to incorporate a flexible space, kitchenette, boiler room, additional W/C (including

**DMPA/2024/0197 – Rosliston Girls Football Club, Strawberry Lane, Rosliston,  
Swadlincote, DE12 8JA**



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accessible facilities). The proposal would convert the changing rooms into a flexible space that could be used for events, including the end of seasons award ceremony.

### **Applicant's supporting information**

- Existing Plans and Elevations, 0142 PL001, P01
- Proposed Plans and Elevations, 0142 PL002, P02
- Email from Agent with Clarifications, 25/07/2024

### **Relevant planning history**

N/A

### **Responses to consultations and publicity**

#### County Highway Authority

Having reviewed the submitted information there are no highway objections to the application (24/06/2024)

#### Environmental Health

With reference to the above planning application this department has no comments to make. (17/06/2024)

#### Parks and Green Spaces

On behalf of SDDC Parks & Green Spaces we have no objection to this planning application (24/06/2024)

#### Public Responses

None received.

### **Relevant policy, guidance and/or legislation**

The relevant Development Plan policies are:

- Local Plan Part 1 (LP1): INF6, BNE1, SD3

The relevant local guidance is:

- South Derbyshire Design Guide Supplementary Planning Document (SPD)

The relevant national policy and guidance is:

- National Planning Policy Framework (NPPF);
- Planning Practice Guidance (PPG).

### **Planning considerations**

The determining issues are as follows:

1. Principle of the development;
2. Amenity and Design Considerations;
3. Other Matters.

### **Planning assessment**

#### Principle of the Development

Policy INF6 of the Local Plan states that community facilities will be protected, unless it is clear that there is no longer a need to retain the use or where a suitable alternative is made. Community facilities should be accessible to all members of the community and located where there is a choice of travel options. The proposal would renovate and enhance an existing community facility which would support its continued use. This would be in accordance with the aims of policy INF6 and acceptable in principle.

#### Design and Amenity Considerations

Policy BNE1 sets out principles for design excellence, which is supported by the detail within the South Derbyshire Design Guide SPD. In terms of context, the building is distanced from the dwellings on Linton Road, the nearest being c. 30m to the south-west. The rear of the dwellings is visible and there are similarities between the dwellings and the existing pavilion, with brown brickwork and gable roof design. The main changes proposed to the building are on the front elevation that faces towards the sports pitches. The addition of a canopy onto the front elevation would not be detrimental to the design of the building, and the new fenestration would be an improvement generally. Details of the paving have been provided by email and the proposed grey coloured non slip slabs would be acceptable. The proposal would be appropriate within the context and acceptable under Policy BNE1 of the Local Plan.

Policy BNE1 also seeks to protect the privacy and amenity of existing neighbouring occupiers and to support this, the Design Guide SPD includes particular recommendations for separation distances. In this case, the nearest property is approximately 30m to the south-west of the building, which would exceed the maximum recommended separation distance of 21m. There would be no material impact from the proposal on the privacy, light or outlook of neighbouring dwellings and the development would comply with Policy BNE1 and the Design Guide SPD.

#### Other Matters

It is noted that the proposal would convert the changing rooms into a flexible space that could be used for events, including the end of seasons award ceremony. The planning agent has confirmed that the flexible space would accommodate the same number of people as would be expected on normal match days, and therefore there would be no intensification in use of the building or associated increase in parking requirement etc.

The site is within the catchment of the River Mease Special Area of Conservation (SAC). Policy SD3 of the Local Plan requires that all relevant developments within the River Mease catchment support the delivery of the River Mease Water Quality (Phosphate) Management Plan in order that the unmitigated addition of phosphorus does not lead to deterioration of the SAC. In this case there would be no change of use of the building and no increase in overnight stays within the catchment, therefore no change in the foulwater emissions. There no material change in surface water runoff from the development as the proposal comprises a minor extension to an existing building. Under the provisions of the Conservation of Habitats and Species Regulations 2017, the Local Planning Authority as the competent authority, must have further consideration, beyond the above planning policy matters, to the impact of development on the River Mease SAC. In this case there would be no impact from the development on the River Mease SAC and the application is therefore screened out from Appropriate Assessment. The proposal would comply with the requirements of Policy SD3.

The small sites temporary exemption for Biodiversity Net Gain applied until April 2024. The application was valid before 1<sup>st</sup> April 2024 and therefore the mandatory requirement for Biodiversity Net Gain (BNG) does not apply in this case.

#### Conclusion and Planning Balance

The proposal for external and internal alterations to the football club changing rooms would renovate and enhance an existing community facility which would be in accordance with the aims of policy INF6 (protecting community facilities) and acceptable in principle. The design of the external alterations would be appropriate and acceptable within the context of Policy BNE1, and the building is sufficiently distanced from neighbouring dwellings such that their amenity would not be materially affected. No matters were identified that would outweigh the acceptability of the development in principle and accordingly the application is recommended for approval.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above, noting that conditions or obligations have been attached where meeting the tests for their imposition. Where relevant, regard has been had to the public sector equality duty, as required by section 149 of the Equality Act 2010 and to local finance considerations (as far as it is material), as required by section 70(2) of the Town and Country Planning Act 1990 (as amended), as well as climate change, human rights and other international legislation.

## Recommendation

### Approve with Conditions

1. The works hereby approved shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with 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 in accordance with the following plans/drawings: Existing Plans and Elevations, 0142 PL001, P01; Proposed Plans and Elevations, 0142 PL002, P02; Email from Tom Lowe (planning agent) received 25/07/2024 with clarifications, unless as otherwise required by condition attached to this permission or following approval of an application made pursuant to Section 96A of the Town and Country Planning Act 1990.

Reason: For the avoidance of and in accordance with Policies BNE1 of the Local Plan.

### Informatives:

#### Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be South Derbyshire District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the permission which has been granted is for development which is exempt being:

Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where the application for planning permission was made before 2 April 2024.

**Item No.** 1.4  
**Ref. No.** [DMPA/2023/1557](#)  
**Valid date:** 15/12/2023  
**Applicant:** Stonebond Properties (Solihull) Limited      **Agent:** Ben Rayner, Holland Lloyd  
**Proposal:** Demolition of the existing dwelling and associated outbuildings, and the erection of 54 dwellings, public open space, landscaping, access, and associated works at Land At 97 Hartshorne Road, Woodville, Swadlincote, DE11 7HY.  
**Ward:** Woodville Ward

### Reason for committee determination

This major planning submission is being reported to Planning Committee due to the significant level of comments of concern/ objection received from neighbours and members of the public.

### Executive summary

The proposal is for the demolition of the existing dwelling and associated outbuildings, and the erection of 54 dwellings (including 16 affordable homes), public open space, landscaping, access, and associated works at Land At 97 Hartshorne Road, Woodville. In summary, the proposal is considered to be acceptable and is recommended for approval subject to planning conditions and a Section 106 agreement.

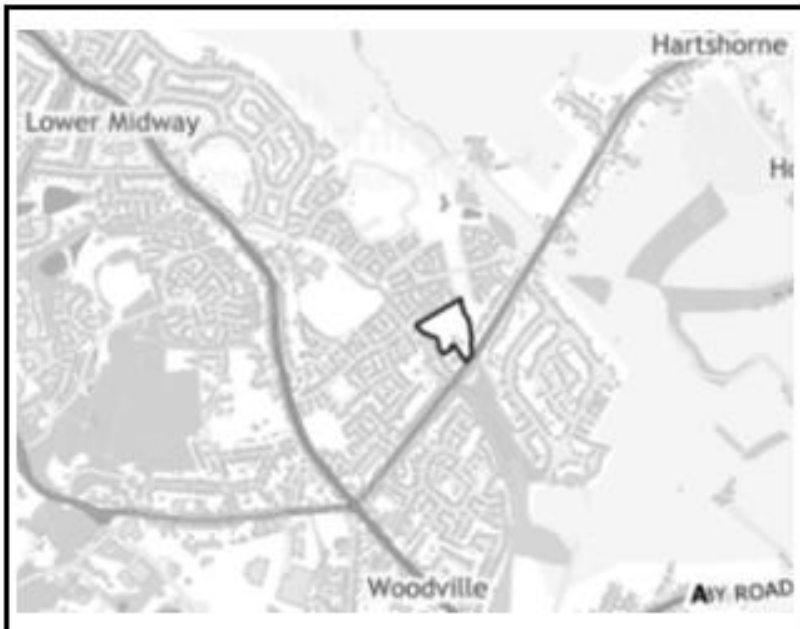
The principle of the proposed scheme of development is considered to be acceptable as the application site lies within a settlement boundary and complies with Policy H1 of the Local Plan. It is acknowledged that comments of concern have been raised from members of the public referencing a range of different grounds. These grounds of concern include design, demolition of the existing property, implications on neighbouring residents, traffic and highways safety, biodiversity, and flood risk concerns.

There are currently no objections from statutory consultees, and it is considered by officers that an acceptable form of design is now presented following the receipt of amended plans. Due to the design and layout of the scheme, the amended proposal is considered to not have a significant adverse impact on the residential amenity of the nearest neighbouring properties. It is considered residential development is acceptable in this location, within the settlement boundary. In addition to this, despite public concern, subject to relevant planning conditions, the scheme of development is also considered to be acceptable on grounds including access and highways safety. The proposed scheme of development is considered to be in accordance with the relevant local and national level planning policy and is recommended for approval.

### Site description

The site under consideration consists of a residential property and paddocks to the rear. The wider site context is a predominantly residential area within the settlement of Woodville. The site is approximately 1.96 hectares with an irregular boundary and is located to the east of Swadlincote and to the north-east of the Woodville area. Access is provided off the A514 Hartshorne Road/ Woodville Road. There is an established tree belt along the eastern boundary. A drainage culvert runs roughly east to west across the middle of the site. The site is approximately 2.8km from the centre of Swadlincote. The site is situated within the Settlement Boundary as defined by policy SDT1 of the Local Plan Part 2.

**DMPA/2023/1557 – Land At 97 Hartshorne Road, Woodville, Swadlincote, DE11 7HY**



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Recent residential developments have been constructed directly to the north and north-east of the site. The application site adjoins a new residential development to the north namely Land at Broomy Farm, Woodville Road, Hartshorne. The relatively recent residential development along Jubilee Park is situated to the west of the site under consideration. Further to this, more established residential properties can be found across the Hartshorne Road frontage. The application site benefits from vehicular access onto the A514 Hartshorne Road/ Woodville Road highway. The site also includes a narrow-gated access located between two existing properties, No.93 and No.95 Hartshorne Road.

## **The proposal**

The proposal includes the demolition of the existing dwelling and associated outbuildings, and the erection of x54 dwellings, public open space, landscaping, access, and associated works at the site under the address of Land At 97 Hartshorne Road, Woodville, Swadlincote, DE11 7HY.

For the proposed dwellings a split of Open Market (70%) and Affordable (30%) is proposed. For the Open Market dwellings, a mix of x10 2bed, x26 3bed, x2 4bed dwellings is proposed. For the Affordable dwellings, a mix of x2 1 bed, x6 2bed, x5 3bed, x3 4bed dwellings is proposed. A mixture of semi-detached, terraced, and corner turner properties are proposed.

This development has been designed in a way which introduces a new residential element with active frontages and outward facing development while retaining the existing tree screening to the east. The proposal aims to provide an infill between the residential estates to the north of the site and Hartshorne Road/ Woodville Road to the south, whilst maintaining the natural elements already established in the area.

The scheme of development has evolved during the course of the application, with consideration given to a number of factors including site specific constraints, engineering and other technical requirements and the consultation responses. The submission scheme takes account of a number of technical considerations, including road geometry within the site, visibility splays, fire and refuse access, existing services easements, and retention of trees. The road hierarchy and plot layout has been arranged to form a site of varied character, with new pedestrian linkage to existing amenity space. In addition, separation distances and green infrastructure/ amenity provision has been improved in a number of areas, with some of the principal changes.

A full re-consultation has been undertaken in regard to this revised scheme.

## **Applicant's supporting information**

Site Location Plan - Ref: 01322-03-001 Rev. 1  
Proposed Site Layout - Ref: 01322-03-002 Rev. 8  
Boundary Treatment Plan - Ref: 01322-03-003 Rev. 5  
Materials Distribution Plan - Ref: 01322-03-004 Rev. 5  
Highways & Parking Plan - Ref: 01322-03-005 Rev. 5  
Indicative Hard & Soft Landscape - Ref: 01322-03-006 Rev. 5  
Bin Storage & Collection Plan - Ref: 01322-03-007 Rev. 5  
Illustrative Streetscenes - Ref: 01322-03-010 Rev. 3  
Existing Block Plan - Ref: 01322-03-011 Rev. 1  
Demolitions Plan - Ref: 01322-03-013 Rev. 1  
Typical Parking Details - Ref: 01322-03-D-1 Rev. 1  
House Type A1.1 Plans & Elevations - Ref: 01322-03-HT-A1.1 Rev. 1  
House Type A2.9 Plans & Elevations - Ref: 01322-03-HT-A2.9 Rev. 1  
House Type A2.8.1 Plans & Elevations - Ref: 01322-03-HT-A2.8.1 Rev. 1  
House Type A3.9 Plans & Elevations - Ref: 01322-03-HT-A3.9 Rev. 1  
House Type A3.9v1 Plans & Elevations - Ref: 01322-03-HT-A3.9v1 Rev. 1  
House Type P3.14 Plans & Elevations - Ref: 01322-03-HT-P3.14 Rev. 1  
House Type A4.4 Plans & Elevations - Ref: 01322-03-HT-A4.4 Rev. 1  
Flood Risk Assessment - Ref: 23083-FRA Rev. B  
Visibility Splays Plan - Ref: 23083-2 Rev. B

Proposed Drainage Strategy - Ref: 23083-3 Rev. F  
Vehicle Tracking Plan - Ref: 23083-6 Rev. B  
Detailed POS Planting Plan - Ref: 11916-FPCR-XX-XXDR-L-0001 Rev. P08  
Detailed on-plot Planting Plan 1 of 2 - Ref: 11916-FPCR-XX-XXDR-L-0002 Rev. P07  
Detailed on-plot Planting Plan 2 of 2 - Ref: 11916-FPCR-XX-XXDR-L-0003 Rev. P07  
Ecological Appraisal - Ref: 11446-Eco App Rev. B  
Bat Report - Ref: 11446-Bat Report Rev. A  
Aerial Assessment Summary - Ref: 11446-AAS  
BNG Baseline Tech Note - Ref: 11446-BNG Baseline Tech Note  
BNG Baseline Metric Calculation - Ref: Biodiversity Metric 4.0 Calculation  
Arboricultural Assessment - Ref: 11446-AA Rev. A  
Playspace Layout - Ref: NSPD3169 Rev. A  
Transport Statement - Ref: ST/SC/25304-01 Rev. A  
Construction Management & Site Waste Plan - Ref: 11882-CM&SWMP Rev. 2  
Ground Investigation - Ref: 182-23-1067-10  
Desk Study - Ref: 182-23-1067-11  
Sustainability Statement - Ref: SS Rev. V2

### **Recent relevant planning history**

The site has no recent planning history of relevance to the current proposals.

### **Responses to consultations and publicity**

#### Hartshorne Parish Council

Objection. Safety of residents. Safety of access. Potential flood implications. (15 January 2024).  
Just to confirm the PC would like to object to the planning application. (25 July 2024).

#### Woodville Parish Council

Woodville Parish Council objects to this development on grounds of demolition of the property, biodiversity, speed and the amount of traffic on Hartshorne Road and Woodville Road and it's location opposite the entrance to The Cutting. There is also regular flooding of the road where it dips close to this location. (12 January 2024).

#### National Highways

National Highways has no objections to this development as the traffic impacts will be negligible to our network. (21 December 2023).  
No objection. (08 July 2024).  
No objection. (18 July 2024).

#### County Highways

Further information requested. (12 January 2024).  
Additional information requested in respect of the proposed access arrangements and the site layout. (15 July 2024).  
Thanks for the updated site layout, I am now happy with it following the requested amendments having been made. (23 July 2024).  
No objection subject to the incorporation of recommended planning conditions. There would not be an unacceptable impact on highway safety or a severe impact on congestion and there are no justifiable grounds on which an objection could be maintained. (06 August 2024).

#### Peak and Northern Footpaths Society

No comments. (09 July 2024).

#### Environmental Health

Satisfied that the impacts of the proposed development will be acceptable in planning policy terms providing that recommended planning conditions are incorporated. (21 December 2023).  
Comments remain unchanged for the original consultation. (11 July 2024).

### Environment Agency

Will not be making any formal comment on the submission. The development falls within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the site. There are no other environmental constraints associated with the application site which fall within the remit of the Environment Agency. (15 December 2023).

The Environment Agency does not have any new comments to make to this re-consultation. Please see our comments made on 15/12/2023. (03 July 2024).

### County Archaeology

Do not consider that the development will have an archaeological impact and would not wish to comment further. (10 January 2024).

We do not consider that the development will have an archaeological impact and would not wish to comment further. (03 July 2024).

Thank you for reconsulting on this application. I have no objection to these revised proposals. (22 July 2024).

### Force Designing Out Crime Officer

Advice provided requiring minor amendments/ additions to bring the scheme to an acceptable standard in respect of improving community safety and reducing crime through design. (05 January 2024).

All details other than clarification requested below are now good. Referring back to my original reply in January, as before, the majority of shared parking courts would only derive benefit from any adopted road lighting scheme subject to the strategic placement of lighting columns. The one private drive which will require a private scheme is for plots 50-54. The shared gating provision previously mentioned will now apply to two locations, providing access for plots 19/20 and 39/40/42. Other than this I've no other comments. (11 July 2024).

### The Coal Authority

Do not object to the proposed development subject to the imposition of the above conditions. (08 January 2024)

The Coal Authority most recently responded to this application in a letter to the LPA dated 08 January 2024, and withdrew our objection subject to the impositions of recommended conditions. The application is now accompanied by an amended Proposed Site Layout Plan and Design & Access Statement. In light of the above, I can confirm that the Planning team at the Coal Authority has no additional comments to make regarding the application. However, you are directed to the comments and recommendation contained in our previous consultation letter of 08 January 2024, which remain valid and relevant to the decision making process. (12 July 2024)

### Strategic Housing Manager

The dwelling types on this application do not match what had been requested. (21 December 2023). Strategic Housing are in support of the revised application. (01 August 2024).

### National Forest Company

The scheme does not include compliant on-site National Forest planting, and it does not appear that there is sufficient space in the site to accommodate the National Forest planting requirement. Accordingly, we would be grateful if a financial contribution of £13,650 can be secured in a legal agreement. We would appreciate being given the opportunity to view the s106 prior to it being signed. (20 December 2023).

Thank you for reconsulting the National Forest Company (NFC) on the above application. Please continue to consider our earlier comments (dated 20 December 2023) in the assessment of the application. (03 July 2024).

### Cadent

Would not object as the Intermediate pressure gas pipelines in the area would not be affected by the application. (19 December 2023).

Would not object as the Intermediate pressure gas pipelines in the area would not be affected by the application. (05 July 2024).

Financial contributions required. (22 December 2023).

Financial contributions required. (05 July 2024).

#### County Flood Risk team (LLFA)

We would ask for the overall greenfield runoff rate to be calculated for the site, without including the brownfield area, as most of the site is greenfield. We would also suggest looking at increasing the number of storage crates on site, to increase storage and help reduce the runoff rate. (06 February 2024).

Requested that information be provided in regard to evidence that the watercourse has sufficient capacity and is in sufficient condition for the proposed outfalls, and that risk has been assessed to adjacent properties. Further to this, clarifications have also been requested in regard to who will take responsibility for the private cellular storage. (08 August 2024).

Derbyshire County Council as the Lead Local Flood Authority (LLFA) has reviewed the information submitted for this application, which was received on 9th August 2024. The LLFA has no objection subject to recommended planning conditions. (12 August 2024).

#### Derbyshire Wildlife Trust

Several issues and concerns that require further consideration. Further information and documentation are requested. (09 February 2024).

This application is not subject to mandatory net gain as it was submitted prior to the 12 February 2024. However, the application should still provide a measurable net gain of > 1% in line with NPPF. To achieve this the Council will need to ensure that they receive the full details for the proposed off-site compensation scheme and that any legal agreements between the Council and the delivery agent for the net gain can be secured. (08 August 2024).

#### SDDC Biodiversity Officer

Requests biodiversity metric for the site to determine the net losses and gains of the site and the potential to agree terms for offsite BNG. The grassland site looks relatively valuable and grassland condition forms would need to be required as well as possible quadrat data to back up it's designation. It is also best practice for applicants to represent how they have followed the mitigation hierarchy especially when losing and recreating grassland with seed mixes. In terms of the landscape plan we require the metric to establish the final or destination habitat as much of the on-site BNG appears to be POS and it would be good to make some areas private specifically for BNG and wildlife alone but this again would be established with receiving a metric in the first instance. (29 February 2024).

#### Derbyshire Swift Conservation

Request that a condition is imposed to ensure this development is built with up to 54 internal nest bricks (i.e. 1 brick per dwelling) designed for Swifts as a universal biodiversity enhancement for urban bird species. Furthermore, the location, specification and number of nest bricks should be clearly marked on a plan of the development and photographic evidence of installation is made available upon completion. (29 March 2024).

#### Derbyshire County Council Policy

The County Council wishes to support development which constitutes sustainable growth and requests required contributions. (29 January 2024).

No further comments to make on this planning application with regards to strategic infrastructure and services. (23 July 2024).

#### SDDC Design Officer

The design and layout of the proposed scheme has been reviewed with the SDDC Design Officer. Two rounds of technical design comments have since been provided. The applicant/ agent has since reviewed these comments and amendments have been provided accordingly. The amended scheme of development is significantly improved having taken into consideration the points provided.

#### **Public Comments**

In regard to the initial planning submission formal consultation was actioned which included neighbour notification letters dated 18 December 2023, the publication of a press advert on 29 December 2023, and the displaying of a site notice on 21 December 2023.

Following receipt of the amended scheme of development a further x21 day re-consultation was actioned on 02 July 2024.

A total of x38 comments of objection have been received from neighbours or members of the public with regards to this planning submission. A summary of the key points raised is presented below:

Summary of comments of objection:

- a) Out of keeping development;
- b) Overdevelopment of the site;
- c) Visual impact on the surrounding locality;
- d) Loss of existing building and associated importance;
- e) Proximity to residential properties and associated impacts;
- f) Detrimental impact on amenity of neighbouring properties;
- g) Traffic and highway related implications;
- h) Impacts on the already busy highway;
- i) Traffic concerns and over congestion;
- j) Ecological and biodiversity concerns;
- k) Impacts for multiple species of wildlife;
- l) Loss of open agricultural land;
- m) Flooding and drainage related concerns.

### **Relevant policy, guidance and/ or legislation**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise. The development plan for the purposes of this application comprises the South Derbyshire Local Plan Part 1 (LP1) adopted in June 2016 and the South Derbyshire Local Plan Part 2 (LP2) adopted in November 2017. Material considerations include, albeit not limited to, the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG), together with the South Derbyshire Design Guide Supplementary Planning Document (SPD).

The relevant Development Plan policies are:

- South Derbyshire District Local Plan Part 1 Adopted 13th June 2016 – LP1  
S1 (Sustainable Growth Strategy), S2 (Presumption in Favour of Sustainable Development), S3 (Environmental Performance), S4 (Housing Strategy), S6 (Sustainable Access), H1 (Settlement Hierarchy), H20 (Housing Balance), H21 (Affordable Housing), SD1 (Amenity and Environmental Quality), SD2 (Flood Risk), SD3 (Sustainable Water Supply, Drainage and Sewerage Infrastructure), BNE1 (Design Excellence), BNE3 (Biodiversity), BNE4 (Landscape Character and Local Distinctiveness), INF1 (Infrastructure and Developer Contributions), INF2 (Sustainable Transport), INF4 (Transport Infrastructure Improvement Scheme), INF8 (The National Forest), and INF9 (Open Space, Sport and Recreation).
- South Derbyshire District Local Plan Part 2 Adopted 02nd November 2017 – LP2  
SDT1 (Settlement Boundaries and Development), and BNE7 (Trees, Woodland and Hedgerows).

The relevant local guidance is:

- South Derbyshire Design Guide Supplementary Planning Document November 2017
- Affordable Housing Supplementary Planning Document November 2017
- Section 106 Agreements - A Guide for Developers
- Trees and Development
- Cycling Strategy
- Strategic Housing Market Assessment (SHMA) (January 2020)
- Housing Position Paper January 2021
- The National Forest Strategy 2014-2024
- Sustainable Community Strategy 2009-2020

- Landscape Character of Derbyshire
- Open Space Sport Community Facilities Strategy

The relevant national guidance is:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- National Design Guide (NDG)
- DCLG Technical Housing Standards

## Planning considerations

In taking account of the application documents submitted (and supplemented and/or amended where relevant) and the site and its environs; the main issues central to the determination of this application is/are:

- Principle of the Development
- Design and Layout
- Residential Amenity
- Access and Highway Safety
- Ecology and Biodiversity
- Trees, Hedgerows, and Landscape Character
- Coal Mining, Land Stability, and Pollution
- Flood Risk and Water Management
- Planning Obligations (Section 106 Agreement)
- Other Matters
- Conclusions and Planning Balance

## Planning assessment

### Principle of the Development

The scheme of development hereby under consideration proposes the demolition of the existing dwelling and associated outbuildings, and the erection of x54 dwellings, public open space, landscaping, access, and associated works at the site under the address of Land At 97 Hartshorne Road, Woodville, Swadlincote, DE11 7HY.

Policy H1 (Settlement Hierarchy) of the South Derbyshire District Local Plan sets out the settlement hierarchy, which is based on the range of services and facilities that are offered by each settlement. The level of development for each settlement will be of a scale appropriate to the size and role of that settlement. The Swadlincote Urban Area sits in the top tier of the hierarchy, confirming the sustainable location of the site.

Policy H20 (Housing Balance) of the South Derbyshire District Local Plan then outlines that the Council will seek to provide a balance of housing that includes a mix of dwelling type, tenure, size, and density which considers the Strategic Housing Market Assessment (SHMA). The density of any site is to be considered individually as there is no evidence to support a set density across all sites, whilst housing development is expected to make the most efficient use of the land whilst considering what is appropriate for the surrounding local built and natural environment. The proposed scheme of development is considered to be acceptable in this regard.

For the proposed dwellings a split of Open Market (70%) and Affordable (30%) is proposed. For the Open Market dwellings, a mix of x10 2bed, x26 3bed, x2 4bed dwellings is proposed. For the Affordable dwellings, a mix of x2 1 bed, x6 2bed, x5 3bed, x3 4bed dwellings is proposed. Following formal consultation on the amended scheme of development the Strategic Housing team have advised that the revised scheme of development is supported. A mixture of semi-detached, terraced, and corner turner properties are proposed. In regard to planning policy context, as the application site is situated within the settlement boundary for Woodville and the wider Swadlincote Urban Area, residential development in this area is considered to be acceptable in principle.

## Design and Layout

The National Planning Policy Framework (NPPF) advises that ‘good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people’ and that ‘permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions’.

The NPPF also attaches great importance to the design of the built environment, which should contribute positively to making places better for people. As well as understanding and evaluating an area’s defining characteristics, it states that developments should:

- function well and add to the overall quality of the area;
- establish a strong sense of place;
- create and sustain an appropriate mix;
- respond to local character and history, and reflect local surroundings and materials;
- create safe and accessible environments; and
- be visually attractive as a result of good architecture and appropriate landscaping.

The National Planning Practice Guidance states that, ‘the design process continues after the granting of permission, and it is important that design quality is not diminished as a permission is implemented’.

The most applicable local policies and guidance to consider with regards to the design, character and appearance related consideration are Policies S1 (Sustainable Growth Strategy), S2 (Presumption in Favour of Sustainable Development), BNE1 (Design Excellence), BNE3 (Biodiversity), BNE4 (Landscape Character and Local Distinctiveness), INF2 (Sustainable Transport), INF4 (Transport Infrastructure Improvement Scheme), INF8 (The National Forest), and INF9 (Open Space, Sport and Recreation) of the South Derbyshire District Local Plan Part 1, Policies SDT1 (Settlement Boundaries and Development), and BNE7 (Trees, Woodland and Hedgerows) of the South Derbyshire District Local Plan Part 2, and the South Derbyshire Design Guide SPD.

Policy S1 ‘Sustainable Growth Strategy’ part v) states ‘it is essential that the District’s heritage assets, landscape and rural character are protected, conserved and enhanced’. Policy BNE1 part e) states ‘New development should create places with a locally inspired character that respond to their context and have regard to valued landscape, townscape and heritage characteristics’. Policy BNE1 also states that new development should be visually attractive, appropriate, respect important landscape, townscape and historic views and vistas, contribute to achieving continuity and enclosure within the street scene and possess a high standard of architectural and landscaping quality.

Potential design, character, and appearance related considerations in regard to the proposed scheme of development at the site under the address of Land At 97 Hartshorne Road, Woodville have been carefully reviewed and considered for the assessment of this planning submission. It is acknowledged that comments of concern have been raised from local residents including with regards to detrimental implications on design and appearance grounds. These concerns have been carefully reviewed and considered in the development and assessment of the planning proposal.

The design merits of this planning submission have been reviewed and considered in conjunction with the SDDC Design Officer. Two rounds of technical design comments have been provided to progress and develop the proposal to an acceptable design quality. The amended scheme of development is significantly improved having taken into consideration technical design related input to ensure that the proposal provides an attractive mixed development, with a varied and active streetscene.

The provision of Public Open Space has been incorporated into the development proposal. In comparison to the initial submission the play area has been amended and shifted to the north-east further away from the nearest residential properties. This has helped to improve the overall design and functionality of the overall development proposal for the benefit of the future occupants of the site. In addition to this, pedestrian connectivity has been altered and improved. A pedestrian link to the

neighbouring Broomy Farm development, through the site, and then to the Hartshorne Road highway has been incorporated into the scheme of development. This pedestrian link will facilitate connectivity through the development for the benefit of future occupants and surrounding residents.

The proposed provision and design of frontage car parking has been revised in comparison to that initially submitted. Initially too many spaces were presented in larger clusters. Following collaborative working with the applicant/ agent and relevant consultees an improved and acceptable provision of landscaping and planting has been incorporated around spaces to break up the appearance of large blocks of frontage parking and where possible the layout has been amended to provide opportunities for parking at the side of dwellings. It is considered that this has significantly improved the overall design and appearance of the scheme of development. In addition to this an increased provision of landscaping of defensible spaces has been incorporated during the progression of the design of the proposed scheme of development. The outlook at the heads of cul-de-sacs has been re-considered and a generous provision of landscaping and planting has been incorporated in these areas. The design of the proposed landscape character has been increased throughout the progression of this planning application and an acceptable standard is considered having been achieved.

The demolition of the existing dwelling and associated outbuildings at No.97 Hartshorne Road, Woodville is considered to not present any detrimental design related implications. The proposed built form, for the 54 dwellings as proposed, is considered to have been appropriately designed and comprises of appropriate heights for a development proposal of this nature. The proposed dwellings are to be set-back into the site from Hartshorne Road and will not be detrimental to the general street scene in this locality. The overall scheme of development is considered to not have a significantly detrimental impact on the street scene of Hartshorne Road, and the entrance from the highway is considered to have been appropriately designed with support achieved from the County Highways team at Derbyshire County Council. A condition is recommended to ensure that appropriate materials are used. There are no designated or non-designated heritage assets within the setting of the site.

The proposed scheme of development hereby under consideration is considered to be acceptable in terms of context and proportionate to the site in which such would be situated and in regard to the surrounding locality. The scale and design of the dwellings as proposed is considered to be acceptable in relation to the existing application site, the surrounding locality, and that of the wider setting. Overall, the proposed scheme of development is considered to be acceptable and in accordance with the relevant local and national level planning policies with regards to associated design, character, and appearance implications. Whilst concerns have been raised regarding over development, it is noted that the dwellings can be assimilated into the site with appropriate landscaping, garden sizes and parking provision. It is considered that the proposal as revised does not represent an over intensive form of development.

Overall, subject to the aforementioned relevant planning conditions, the proposed scheme of development is considered by the Local Planning Authority to be acceptable and in accordance with the relevant local and national level planning policies with regards to associated design, character and appearance implications.

### Residential Amenity

The most applicable policies and guidance to consider are policies SD1 (Amenity and Environmental Quality) and BNE1 (Design Excellence) of the South Derbyshire District Local Plan, and the South Derbyshire Design Guide SPD which between them seek that new development does not lead to adverse impacts on the environment or amenity of existing occupiers within or around proposed developments. Policy SD1 supports development that does not lead to adverse impacts on the environment or amenity of existing and future occupiers. Policy BNE1 requires development to not cause demonstrable harm to neighbouring amenity.

Potential amenity related considerations in regard to the proposed demolition of the existing dwelling and associated outbuildings, and the erection of 54 dwellings, public open space, landscaping, access, and associated works at the site under the address of Land At 97 Hartshorne Road, Woodville have been carefully reviewed and considered for the assessment of this planning submission. It is

acknowledged that comments of concern have been raised from local residents including with regards to potential detrimental impacts upon nearby neighbouring amenity. These concerns have been carefully considered in the development and assessment of the planning proposal.

The overall layout hereby proposed is considered to be acceptable when considered against the guidance of the Supplementary Planning Documentation, and it is considered that the proposal would not cause significant undue harm to residential amenity. Since the submission of the initial scheme of development the applicant has worked collaboratively and proactively, and a revised scheme of development has been received which includes alterations to improve amenity for existing and future residents. The amended scheme of development is considered to be of a good standard and is hereby supported. Amenity related considerations including potential daylight, sunlight, overbearing and overlooking implications have been carefully considered to ensure that a good level of amenity is provided and delivered. A good level of amenity space for the benefit of future occupants is also proposed and will be delivered.

In order to protect the future amenity of neighbouring residents, conditions shall be incorporated to ensure that the proposed boundary treatments are installed and maintained, and permitted development rights removed to prevent any future additions or alterations to the dwellings. Further to this a condition shall also be incorporated requiring all proposed first floor side elevation windows to be fitted with obscure glass and of a non-opening design up to a minimum height of 1.7 metres above the internal finished floor level to prevent any overlooking and consequential loss of privacy at nearby neighbouring properties.

The Councils Environmental Health Officer has been consulted and raises no objections subject to the incorporation of recommended planning conditions in regard to land quality and the construction phase. Should planning approval be recommended these planning conditions shall be incorporated.

Overall, subject to the aforementioned relevant planning conditions, the development proposal is considered to be acceptable in regard to potential impacts on neighbouring amenity and the spatial requirements of the relevant planning policy.

### Access and Highway Safety

With regards to the access, parking, and highway safety related considerations the most applicable policies to consider are S1 (Sustainable Growth Strategy), S2 (Presumption in Favour of Sustainable Development), S6 (Sustainable Access), BNE1 (Design Excellence), INF2 (Sustainable Transport), and INF4 (Transport Infrastructure Improvement Scheme) of the South Derbyshire District Local Plan, and the South Derbyshire Design Guide SPD. Between them these policies and guidance seek to ensure that new development is acceptable from a transport, access, and sustainability perspective.

Following a review and consideration of initial technical input received from the County Highways team at Derbyshire County Council, amendments to the initial scheme of development have since been submitted for formal consideration. The site layout as proposed has been updated in line with comments provided by the County Highways team. The Proposed Site Layout - Ref: 01322-03-002 - Rev. 8 is the latest revision which is hereby under consideration.

The County Highways team at Derbyshire County Council have been formally consulted with regards to the revised scheme of development. Following a review of the submission a formal consultation response has since been provided with the County Highways team outlining a stance of no objections to the application subject to planning conditions being imposed should approval be granted. It has been advised that the details shown on Proposed Site Layout - Ref: 01322-03-002 - Rev. 8 are considered to be acceptable. The County Highways team has concluded that there would not be an unacceptable impact on highway safety or a severe impact on congestion and there are no justifiable grounds on which an objection could be maintained.

In addition to this the National Highways team have been consulted in regard to this planning application and a formal stance of no objection has since been provided in response.

The Peak and Northern Footpaths Society have advised that there are no objections to this planning application following consultation.

It is pleasing that a pedestrian link through to the neighbouring Broomy Farm development is incorporated into the proposed scheme of development hereby under consideration. This pedestrian link will also follow to the south and join to the Hartshorne Road highway to facilitate connectivity through the development.

Relevant planning conditions have been recommended by the County Highways team in regard to the implementation of the site access, the availability of vehicular parking spaces prior to the first occupation of each dwelling, a welcome pack promoting sustainable forms of access to the development for the future occupants, and the adherence to the Construction Management Plan throughout both the demolition and the construction. Should planning approval be recommended these planning conditions shall be imposed. Following the receipt of the professional County Highways advice it would be unreasonable to suggest that the scheme of development would be unacceptable on highway related grounds. The proposed scheme of development is therefore considered to be acceptable on highway related grounds subject to the recommended relevant planning conditions.

It is worth noting that the National Planning Policy Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

### Ecology and Biodiversity

Regarding the ecology and biodiversity consideration there are several interrelated policies in the Local Plan (Parts 1 and 2), which cover landscape and biodiversity. As well as the requirements of Policy BNE5 related to impact on landscape character, Policy BNE1 sets out principles for design excellence, which is supported by the detail within the South Derbyshire Design Guide SPD. Policy BNE4 requires developers to retain key valued landscape components (such as mature trees) and states that development which has an unacceptable impact on landscape character, visual amenity and sensitivity, and cannot be satisfactorily be mitigated, will not be permitted. Policy INF8 sets planting requirements for development over 1 hectare size in the National Forest, and Policy BNE7 relates to the safeguarding of protected trees and requires that appropriate measures are secured to ensure adequate root protection buffers. Policy BNE3 states that development will be supported which contributes to the protection, enhancement, management and restoration of biodiversity or geodiversity and delivers net gains in biodiversity.

Schedule 7A of the Town and Country Planning Act 1990 (as inserted by schedule 14 of the Environment Act) introduced mandatory requirements for Biodiversity Net Gain earlier in 2024. These mandatory requirements for Biodiversity Net Gain came into effect after the date this application was valid. The application hereby under consideration is not subject to mandatory net gain as it was submitted prior to the 12 February 2024. This therefore means the mandatory 10% Biodiversity net gain is not required in this instance.

Bats have been confirmed as present in Building 1 and a licence will be required in respect of works to this building. Depending on the results of the final bat tree survey to be carried out on the 15th August there may be a need for an additional condition to include reference to a bat licence for a tree bat roost as well. Though at the current time DWT have confirmed that they consider this need to be unlikely. Members will be verbally updated on the night regarding this matter.

In the instance whilst a Biodiversity Net Gain cannot be delivered within the site the application will still provide a measurable net gain of > 1% in line with NPPF by securing an off-site compensation scheme through a S106 Agreement. Derbyshire Wildlife Trust have advised that if the Council is minded to approve this application this would enable the off-site element of the net gain to be secured. Conditions relating to the delivery of both on-site and off-site biodiversity net gain will be needed to secure the details of enhancement and management for a 30-year period. Whilst it is disappointing that a more significant net gain cannot be achieved within the site in achieving off-site compensation within the local area the application can secure benefits to biodiversity in accordance with the relevant policies.

## Trees, Hedgerows, and Landscape Character

In regard to the landscape character consideration a Boundary Treatment Plan, a Landscaping Plan, Planting Plans, and an Arboricultural Assessment have been submitted forming part of the proposed scheme of development hereby under consideration. The design of the proposed landscape character has been increased throughout the progression of this planning application and is considered to be acceptable. The proposed built form is considered to be appropriately designed and comprises of appropriate heights for a development proposal of this nature. A reasonable provision of off-street car parking has also been provided. The proposed landscaping and planting provision has been increased through the progression of this planning submission to ensure that both the built form and parking as proposed are well-designed and integrate into the proposal. Should planning approval be recommended planning conditions, including in regard to the implementation and maintenance of the proposed landscaping, shall be incorporated to ensure an acceptable level of design is implemented at the build out stage. The proposed scheme is considered to be acceptable on these grounds.

Policy INF8 requires dedicated tree planting and landscaping in accordance with the National Forest Planting Guidelines. At 1.96ha in area, 20% or 0.39ha of the site should be dedicated tree planting and landscaping. The National Forest Company has been formally consulted in regard to this planning submission. It has been noted that the proposal does not include National Forest Planting. It does not appear that there is sufficient space in the site to accommodate the 0.39ha National Forest planting requirement. The policy allows a financial contribution where National Forest planting cannot be met on/off site. This is currently calculated at £35,000 per hectare, which results in a contribution of £13,650 for this site (0.39ha x £35,000). Should planning approval be recommended this requirement will be incorporated into the Section 106 Agreement which will accompany any approval notice.

## Coal Mining, Land Stability, and Pollution

The Coal Authority have been formally consulted with regards to this planning application. Following a review of the submission a formal consultation response has since been provided with the Coal Authority advising that the conclusions of the submitted Coal Mining Risk Assessment report are concurred with, and that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development. As such, should planning permission be granted for the proposed development, two planning conditions have been recommended. These conditions cover intrusive investigations, potential remediation works, and mitigations, as well as formal confirmation that the site is, or has been made, safe and stable for the development. The Coal Authority therefore do not object to the proposed development subject to the imposition of the above conditions. Should planning approval be recommended these planning conditions shall be incorporated.

Formal consultation has also been undertaken with the Environmental Health team who have also outlined a stance of no objections subject to the incorporation of recommended planning conditions. Conditions have been recommended in regard to land quality and the construction phase. Should planning approval be recommended these planning conditions shall be incorporated.

## Flood Risk and Water Management

The application site is situated within Flood Zone 1 and as such there are no flooding concerns in principle.

The National Planning Policy Framework seeks to ensure that new development is not at risk from flooding or does not increase flood risk elsewhere. It advocates the use of a sequential test with the aim of steering new developments to areas with the lowest probability of flooding. The Environment Agency produces flood risk maps which classifies land according to probability of flooding. The areas of highest risk are classified as Flood Zone 3, with a 1 in 100 or greater annual probability of flooding, and the areas of lowest risk are classified as Flood Zone 1, with a less than 1 in 1000 annual probability of flooding.

The application site is situated within Flood Zone 1 and as such there are no flooding concerns in principle. Following consultation, the Environment Agency have advised that there would be no fluvial flood risk concerns associated with the site. Following a request and receipt of further supporting information the County Flood Risk team (LLFA) have formally advised that there are no objections to the development proposal subject to recommended planning conditions. Planning conditions have been recommended in regard to the design and associated management and maintenance plan of the surface water drainage, the proposed destination for surface water in accordance with the drainage hierarchy, and how additional surface water run-off from the site will be avoided during the construction phase.

The recommendation includes the conditions as recommended by the County Flood Risk team (LLFA). It shall also be required that no development shall take place until a scheme for the disposal of foul and surface waters has been submitted to and approved in writing by the Local Planning Authority, and the development shall be completed in accordance with the approved details prior to its first occupation. This is considered to be required to ensure adequate drainage facilities are provided to serve the development to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with relevant local and national level planning policy.

Overall, subject to the incorporation of the above-mentioned planning conditions, it is considered that the proposal would not cause significant impacts to warrant a refusal of planning permission.

#### Planning Obligations (Section 106 Agreement)

Should planning approval be recommended a Section 106 Agreement will be completed and attached to any forthcoming planning approval notice.

Consultations have been undertaken and technical responses have been received from the National Forest Company, the NHS Derby and Derbyshire Integrated Care Board, and Derbyshire County Council Policy advising that contributions will be required.

The Section 106 Agreement shall be progress on the basis of the following contributions:

- National Forest Company - As per the technical consultation comment dated 20 December 2023 a financial contribution is to be secured via a legal agreement. - £13,650.
- NHS Derby and Derbyshire Integrated Care Board - As per the technical consultation comment dated 05 July 2024 a financial contribution is to be secured via a legal agreement. - £53,200.
- Built Facilities - As per the Development Contributions SPD in conjunction with input from the SDDC Community Partnership team - £122 per person.
- Open Space - As per the Development Contributions SPD in conjunction with input from the SDDC Community Partnership team - £372 per person.
- Health - As per the Development Contributions SPD in conjunction with input from the SDDC Community Partnership team - £511 per dwelling.
- Derbyshire County Council Policy - As per the technical consultation comment dated 29 January 2024 financial contributions, in regard to schools, libraries, monitoring fees, etc.
- Derbyshire Wildlife Trust - Any such approval is subject to a S106 agreement or other legal agreement being in place to address the off-site biodiversity net gain.

#### Other Matters

No other matters to be considered.

#### Conclusion and Planning Balance

It is considered that the principle of development in this location is acceptable due to its sustainable location and siting within the settlement boundary as defined through the adopted Local Plan. It is however acknowledged that there has been significant public objection to the development of this land which is currently agricultural with one residential dwelling and garden, providing a green space break in an otherwise urban built up area. Concerns relating to the loss of biodiversity, and the impact on surrounding residents are noted, and it is accepted that the development of this site will change the outlook and quiet nature of the site. Whilst these concerns are acknowledged, the proposed development would also bring about benefits including 54 new homes, 16 of which will be affordable homes, improving access to and choice of housing in the District. The site is considered sustainable in that it has access to local services, sustainable transport options and employment and contributions will be made towards enhancing these facilities.

It is also noted that neighbouring residents have concerns regarding traffic, highway safety, biodiversity and flood risk. Statutory consultees have been consulted through the application process including Derbyshire Highway Authority, Derbyshire Wildlife Trust, the Lead Local Flood Authority, the Environment Agency, National Forest Company, SDDC's Biodiversity Officer and Environmental Health, and no objections have been received. Should the application be approved, conditions have been attached to secure adequate standards are met. In terms of amenity, the design of the scheme has been amended to incorporate suggestions made by the Design Officer to improve linkages and to ensure the amenity of existing and future residents is not compromised. It is now considered that the submitted design is acceptable which would not have a significant adverse impact on residential amenity. On balance, therefore, the application is recommended for approval subject to conditions.

### Recommendation

Approve subject to planning conditions and a Section 106 Agreement.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above, noting that conditions or obligations have been attached where meeting the tests for their imposition. Where relevant, regard has been had to the public sector equality duty, as required by section 149 of the Equality Act 2010 and to local finance considerations (as far as it is material), as required by section 70(2) of the Town and Country Planning Act 1990 (as amended), as well as climate change, human rights and other international legislation.

### Recommended Planning Conditions

1. The development hereby approved shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91 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 in accordance with plans and documentation listed on the 'Drawing Register - 02 August 2024', unless as otherwise required by condition attached to this permission or following approval of an application made pursuant to Section 96A of the Town and Country Planning Act 1990.

Reason: For the avoidance of doubt and in the interests of achieving sustainable development.

3. All external materials used in the development shall match those detailed within the approved plans and documentation. Any alternative details shall be first submitted to and approved in writing by the Local Planning Authority, whereafter the approved alternative details shall be incorporated into the development.

Reason: In the interest of the visual setting of the development and the surrounding area.

4. The development hereby approved shall not commence until site access works comprising works shown on Drawing No. 25304-02 Rev B have been constructed and completed.

Reason: To ensure the safe and free flow of traffic onto the highway.

5. Prior to the first occupation of each dwelling, space shall be provided for the parking of vehicles associated with that dwelling in accordance with the approved plans and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any statutory instrument amending, revoking and/or replacing that Order, such space shall be maintained throughout the life of the development free of any impediment to its designated use.

Reason: To ensure adequate parking and turning provision, in the interests of highway safety.

6. The development hereby approved shall not be occupied until the applicant has submitted to and had approval in writing from the Local Planning Authority a residential welcome pack promoting sustainable forms of access to the development. The pack shall be provided to each resident at the point of the first occupation of the dwelling.

Reason: To reduce vehicle movements and promote sustainable access.

7. The approved Construction Management Plan shall be adhered to throughout the demolition and construction period of the development.

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.

8. During the period of construction of the development, no works including deliveries shall take place outside the following times: 07:30am to 17:00pm hours Monday to Friday, and 07:30am to 13:00pm hours on Saturdays, and not at any time on Sundays, Bank and Public holidays (other than emergency works).

Reason: To ensure that the development does not adversely affect the residential amenities of neighbouring properties.

9. The Ground Investigation report produced by ASL Ltd dated November 2023 is considered adequate to determine the risks associated with the ground conditions at the site.
  - a). A remediation scheme detailing how the remediation will be undertaken in accordance with the recommendations of the Ground Investigation report produced by ASL Ltd dated November 2023 shall be submitted and approved by the Local Planning Authority prior to the commencement of the development. A clear end point of the remediation shall be stated, and how this will be validated. Any ongoing monitoring shall also be determined.
  - b). If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed in an appropriate remediation scheme which shall be submitted to and approved in writing by the Local Planning Authority.
  - c). A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted prior to first occupation of the development. Details of any post-remedial sampling and analysis to demonstrate that the site has achieved the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land.

10. No development shall commence on site (including any site clearance/ preparation works), until a Construction Method Statement has been submitted to the Local Planning Authority for approval in writing. Details shall provide the following, which shall be adhered to throughout the construction period:

- The parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of oils, fuels, chemicals, plant and materials used in constructing the development
- The erection and maintenance of security hoarding, including any decorative displays and facilities for public viewing
- Wheel-wash washing facilities and road-cleaning arrangements
- Measures to control the emission of dust and dirt during construction
- A scheme for recycling/disposing of waste resulting from site preparation and construction works
- Measures for the protection of the natural environment
- Measures to control noise including hours of work on site, including deliveries and removal of materials
- Full details of any piling technique to be employed, if relevant
- Location of temporary buildings and associated generators, compounds, structures and enclosures, and
- Routing of construction traffic.

Reason: In the interests of safe operations during the construction of the development.

11. No development shall commence until; a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: In order to ensure the safety and stability of the development.

12. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: In order to ensure the safety and stability of the development.

13. Prior to the commencement of the development hereby permitted, a scheme for the disposal of foul and surface waters shall be submitted to and approved in writing by the Local Planning Authority in conjunction with the County Flood Risk team (LLFA). The development shall be completed in accordance with the approved details prior to its first occupation.

Reason: To ensure adequate drainage facilities are provided to serve the development to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with relevant local and national level planning policy.

14. Before the development hereby approved is commenced above slab level, full play area details for the development, and details for the management and maintenance of the public open space, shall be submitted to and approved in writing by the Local Planning Authority. The approved play areas details shall be implemented in full on site prior to the occupation of the first dwelling. The play area shall be retained for the life of the development unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of health and wellbeing, and residential amenity.

15. Prior to the first occupation of each dwelling, an internal nest brick (i.e. 1 brick per dwelling) designed for Swifts as a universal biodiversity enhancement for urban bird species shall be implemented. The location and specification of the x54 nest bricks shall be clearly marked on a plan

of the development and photographic evidence of installation must be made available to the Local Planning Authority upon completion of the development.

Reason: In the interests of enhancing biodiversity.

16. All planting, seeding, and turfing comprised in the plans and documentation hereby approved shall be carried out in the first planting and seeding seasons following the first occupation of the first dwelling or the completion of the development, whichever is the sooner. Any plants which within a period of five years (ten years in the case of trees) from the completion of the phase die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species and thereafter retained for at least the same period, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure satisfactory landscaping and planting arrangements in accordance with relevant local and national level planning policy.

17. Before the development hereby approved is first brought into use, a maintenance scheme relating to the onsite landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall thereafter be maintained in line with the approved details for the lifetime of the development.

Reason: To ensure satisfactory landscaping and maintenance arrangements in accordance with relevant local and national level planning policy.

18. No removal of vegetation that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the vegetation for active birds nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to the Local Planning Authority.

Reason: In order to safeguard protected and/or priority species from undue disturbance and impacts.

19. All proposed first floor windows to the side elevations of the dwellings hereby approved shall be fitted with obscure glass and shall be of a non-opening design up to a minimum height of 1.7 metres above the internal finished floor level. Such windows shall not be replaced or altered without the prior written permission of the Local Planning Authority.

Reason: To prevent any overlooking and consequential loss of privacy at nearby neighbouring properties.

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), (or any order revoking or reenacting the Order with or without modification) no development contained within Classes A, AA, B, C, D and E of Schedule 2, Part 1, (including that no extensions or alterations, no extra storey, no additions or alterations to any roof, no windows, dormers or other openings being created, no enclosures or other structures required for purposes incidental to the enjoyment of the dwellinghouses being erected or installed within the domestic curtilage) shall be carried out at any of the dwellings hereby approved.

Reason: To enable the Local Planning Authority to control further alterations on the dwellings in the interests of neighbour and visual amenity.

21. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:

- a) Travis Baker Ltd. (12/04/2024). Flood Risk Assessment and Drainage Strategy. Ref: 23083.
- b) Travis Baker Ltd. (07/11/2023). Proposed Drainage Strategy. Ref: 23083.

c) DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015), including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team.

have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the Local Planning Authority, in advance of full planning consent being granted.

22. No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 56 Reference ID: 7-056-20220825 of the planning practice guidance.

Reason: To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options. The assessment should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy: i) into the ground (infiltration); ii) to a surface water body; iii) to a surface water sewer, highway drain, or another drainage system; iv) to a combined sewer.

23. Prior to commencement of the development, the applicant shall submit for approval to the Local Planning Authority details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the Local Planning Authority, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.

Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development.

24. No demolition or other works affecting Building 1 shall take place until an appropriate bat licence has been obtained. Confirmation of this shall be submitted to the Local Planning Authority. Upon receipt of a licence from Natural England, works shall proceed strictly in accordance with the approved mitigation, which should be based on the proposed measures outlined in Bat Survey Report Rev A (FPCR, April 2024) and amended as necessary based on any correspondence with Natural England. Such approved mitigation will be implemented in full in accordance with a timetable of works included within the licence and followed thereafter. A copy of the results of any monitoring works will be submitted to the Local Planning Authority.

Reason: In the interests of ecology and biodiversity.

25. No development shall take place (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
- a) Risk assessment of potentially damaging construction activities.
  - b) Identification of 'biodiversity protection zones'.
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts on species and habitats during construction.
  - d) Details of offset gullies and drop kerbs in the road network to safeguard amphibians.
  - e) The location and timing of sensitive works to avoid harm to biodiversity features.
  - f) The times during construction when specialist ecologists need to be present on site to oversee works.
  - g) Responsible persons and lines of communication.

- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- i) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of ecology and biodiversity.

26. A Biodiversity Net Gain Strategy should be submitted to the Local Planning Authority together with a completed Biodiversity Metric that clearly demonstrates how a biodiversity net gain of greater than 1% will be achieved for the site both through on-site and off-site measures.

Reason: In the interests of ecology and biodiversity.

27. A Landscape and Biodiversity Enhancement and Management Plan (LBEMP) for on-site net gain shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. The aim of the LBEMP is to provide details for the creation, enhancement and management of habitats and species on the site post development and should align with the Biodiversity Net Gain Strategy. The LBEMP should combine both the ecology and landscape disciplines and shall be suitable to provide to the management body responsible for the site. It shall include the following:-

- a) Description and location of features to be retained, created, enhanced and managed
  - b) A map clearly showing where different habitats are located within the site
  - c) Aims and objectives of management
  - d) Appropriate management methods and practices to achieve aims and objectives.
  - e) Prescriptions for management actions.
  - f) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity).
  - g) Details of the body or organization responsible for implementation of the plan.
  - h) A monitoring schedule to assess the success of the habitat creation and enhancement measures at intervals of 1, 2, 3, 5, 10, 15, 20 and 30 years.
  - i) Monitoring reports to be sent to the Council at each of the intervals above.
  - j) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
  - k) Requirement for a statement of compliance upon completion of planting and enhancement works.
- The LBEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of ecology and biodiversity.

28. A Landscape and Biodiversity Enhancement and Management Plan (LBEMP) for off-site net gain shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. The aim of the LBEMP is to provide details for the creation, enhancement and management of habitats and species on the site post development and should align with the Biodiversity Net Gain Strategy. The LBEMP should combine both the ecology and landscape disciplines and shall be suitable to provide to the management body responsible for the site. It shall include the following:

- a) Description and location of features to be retained, created, enhanced and managed.
- b) A map clearly showing where different habitats are located within the site.
- c) Aims and objectives of management.
- d) Appropriate management methods and practices to achieve aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity).
- g) Details of the body or organization responsible for implementation of the plan.

- h) A monitoring schedule to assess the success of the habitat creation and enhancement measures at intervals of 1, 2, 3, 5, 10, 15, 20 and 30 years.
- i) Monitoring reports to be sent to the Council at each of the intervals above.
- j) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
- k) Requirement for a statement of compliance upon completion of planting and enhancement works. The LBEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of ecology and biodiversity.

29. 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. The Plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:
- universal nest boxes at ratio of 1 per dwelling in line with British Standard 42021:2022.
  - other bird nest boxes to be installed on trees x5.
  - integrated bat boxes in 10% of dwellings.
  - insect bricks in 30% dwellings and / or towers in public open space.
  - fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs in all gardens.

Reason: In the interests of ecology and biodiversity.

30. Prior to the installation of 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. This 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. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). Such approved measures will be implemented in full.

Reason: In the interests of ecology and biodiversity.

### Informatives

- a) This permission is the subject of a unilateral undertaking or agreement under Section 106 of the Town and Country Planning Act 1990. All formal submissions to discharge obligations of the undertaking or agreement, or queries relating to such matters, must be made in writing to s106@southderbyshire.gov.uk with the application reference included in correspondence.