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Our Ref

Your Ref

Date: 20 January 2023

Dear Councillor,

Planning Committee

A Meeting of the **Planning Committee** will be held at **Council Chamber**, Civic offices, Civic Way, Swadlincote on **Tuesday, 07 February 2023** at **18:00**. You are requested to attend.

Yours faithfully,

Chief Executive

To:- **Labour Group**

Councillor Tilley (Chair), Councillor Shepherd (Vice-Chair) and
Councillors, Gee, L Mulgrew, Pearson and Southerd.

Conservative Group

Councillors Bridgen, Brown, Dawson, Haines, Redfern and Smith.

Non-Grouped

Councillor Wheelton



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 STRATEGIC DIRECTOR (SERVICE DELIVERY) **3 - 120**
- 5 DEED OF VARIATION - LAND OFF RYDER CLOSE CASTLE GRESLEY **121 - 122**

Exclusion of the Public and Press:

- 6 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.
- 7 To receive any Exempt questions by Members of the Council pursuant to Council procedure Rule No. 11.

Report of the Strategic Director (Service Delivery)

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).

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
DMPA/2022/0318	1.1	Elvaston	Aston	6
DMPA/2021/1057	1.2	Overseal	Seales	14
DMPA/2021/0750	1.3	Melbourne	Melbourne	19
DMOT/2023/0005	1.4	Ticknall	Repton	32
DMPA/2022/0653	1.5	Midway	Midway	36
DMPA/2022/1202	1.6	Woodville	Woodville	41
DMPA/2021/0203	1.7	Mickleover	Etwall	47
And DMPA/2021/1482				

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
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/2022/0318](#)

Valid date: 15/03/2022

Applicant: Derbyshire County Council **Agent:** Planning and Design Practice Ltd

Proposal: Listed building consent for the conversion and extension of buildings to provide commercial, recreational and educational uses, and the demolition of a section of retaining wall Elvaston Castle Country Park, Borrowash Road, Elvaston, Derby, DE72 3EP

Ward: Aston

Reason for committee determination

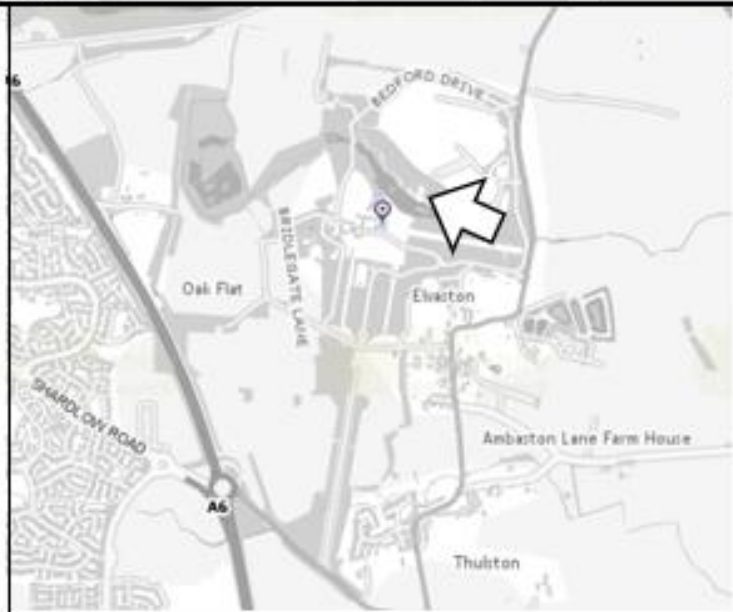
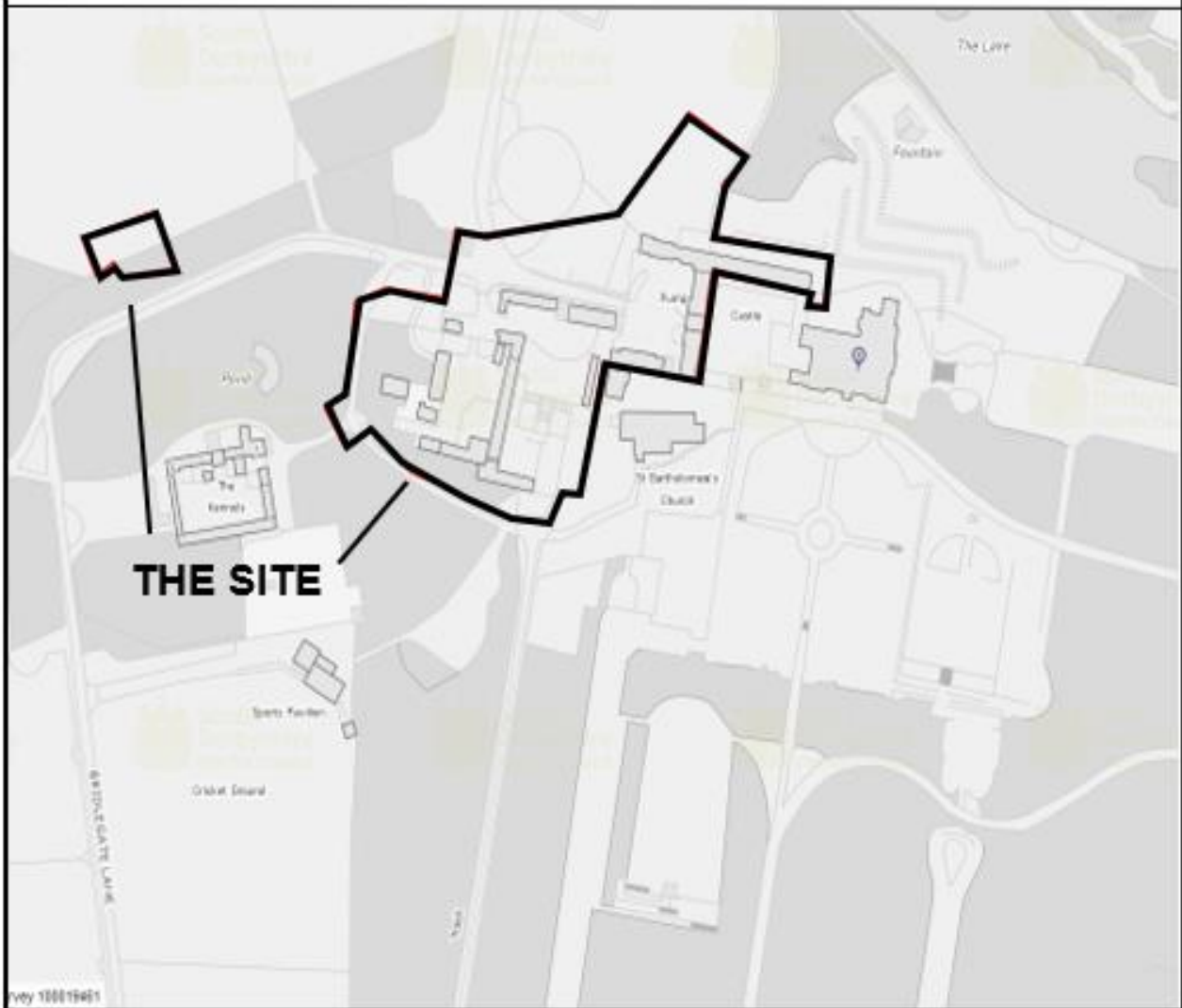
This item is presented to the Committee at the discretion of the Head of Planning and Strategic Housing due to the public interest in the application, and that an application for redevelopment at Elvaston Castle submitted to Derbyshire County Council was previously considered by committee.

There are two concurrent applications for the site; a Planning Application, being determined by Derbyshire County Council, and a Listed Building Consent application, being determined by South Derbyshire District Council. This report, and subsequent decision, is for the Listed Building Consent only. There has been a level of public interest in the Planning Application, and comments have been submitted to this case reference. The matter is brought to Committee to clarify the extent of the Listed Building Consent and the decision required by the Local Planning Authority.

Update report

The application was deferred at the October Committee meeting to facilitate a site visit. The Planning Committee are presented with an application for Listed Building Consent (LBC) only.

DMPA/2022/0318 ELVASTON CASTLE COUNTRY PARK, BORROWASH ROAD, ELVASTON, DERBY, DE72 3EP



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South Derbyshire District Council, LA 100019401.2020

The area under consideration is clarified in this Update Report as there is a concurrent Planning Application under consideration by Derbyshire County Council, to which the red application site line includes the whole of Elvaston Castle Country Park boundary.

As per the Listed Buildings and Conservation Area Act 1990, LBC considers an alteration or extension to the Listed Buildings specified in the application. This application concerns the courtyard and outbuildings within the grounds of Elvaston Castle Country Park. These buildings are:

- Springthorpe Cottage
- The Upper Stable Yard
- The North Range of the Upper Stable Yard
- The East Range of the Upper Stables Yard
- The South Range of the Upper Stable Yard
- The remains of the Racket Court
- The former Gas House
- The Lower Stables Yard
- The Gardener's Cottage
- The former Saw Yard
- The Workshop Buildings
- The former Blacksmith Shop

The application also seeks LBC for alteration to a boundary wall, and the extension of a Listed Building to create a new café.

It is the physical attachment of an extension to the Listed Building that requires LBC. The development of the new café also requires Planning Permission.

The Listed Buildings are on the Derbyshire County Council Buildings at Risk Register. The risk is measured as follows:

<p>Risk Grade 1 Repair scheme in progress and (where applicable) end use or user identified; functionally redundant buildings with new use agreed but not yet implemented.</p> <p>Risk Grade 2 Under repair or in fair to good repair, but no user identified; or under threat of vacancy with no obvious new user (applicable only to buildings capable of beneficial use).</p> <p>Risk Grade 3 Slow decay; solution agreed but not yet implemented.</p> <p>Risk Grade 4 Slow decay; no solution agreed.</p> <p>Risk Grade 5 Immediate risk of further rapid deterioration or loss of fabric; solution agreed but not yet implemented.</p> <p>Risk Grade 6 Immediate risk of further rapid deterioration or loss of fabric; no solution agreed.</p>
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Listed Buildings at risk included in this LBC application include:

Building: Elvaston Castle, Coach House and outbuildings

Status: II

Description: EC19 in Tudor style, ashlar sandstone and brick, green slate roofs. Park offices, workshops, study centre, storage.

Risk Grade: 2

Building: Elvaston Castle, Farm buildings to west of St Bartholomew's Church, (former museum buildings)

Status: II

Description: Single and two storey brick and tile workshops.

Risk Grade: 4

Building: Elvaston Castle, Former Kennels

Status: II

Description: C19. Red brick; clay tiles and slate roofs.

Risk Grade: 4

Building: Elvaston Castle, Former Stables, Now Information Centre, and Storage

Status: II

Description: EC19 in Tudor style, red brick with stone dressings, green slate roofs.

Risk Grade: 2

Building: Elvaston Castle, Riding Stables

Status: II

Description: C19. Red brick; clay tile and slate roofs.

Risk Grade: 4

Building: Elvaston Castle, Stable block to east of The Kennels

Status: II

Description: Red brick with slate roofs dated 1870. Built to house the gas plant for heating and lighting the castle. Later converted to stable and pig sty.

Risk Grade: 6

Building: Springthorpe Cottage, Elvaston Castle

Status: II

Description: C1840. Red brick gatehouse.

Risk Grade: 4

Reconsultation with Historic England

Following from the deferred decision in October, the applicant provided further information and amended drawings for the café development. Historic England was reconsulted twice and provided the following feedback, received 13.01.23:

Historic England Advice

Further information submitted by the applicant includes the Addendum to the Heritage Statement, with a set of photographs towards the location of the proposed new cafe taken from positions on the roof, as well as within the Orchid House and upper storey windows of Elvaston Castle. We are content that the analysis contained in the Addendum addresses our concerns regarding views from the Castle and potential impacts on heritage significance.

Floor plans have also been submitted of the Castle showing proposed future uses. It is not clear from the information provided whether these proposed future uses are those intended to be delivered as part of Phase 2 of the masterplan. The use of the Castle after the proposed relocation of the cafe to a new building, but before Phase 2 is secured and implemented remains unclear. Our concerns remain, therefore, regarding the use and conservation of the Castle following the implementation of Phase 1, but prior to future phases of the masterplan being secured and implemented.

Recommendation

Historic England has concerns regarding the application on heritage grounds.

Elvaston Castle is of very high national importance as an exceptional and influential example of an imaginative mid 19th century reworking of the Castle and its designed landscape, currently on the Heritage at Risk Register. The proposals seek to underpin a sustainable future for the site, with sensitive repair and reuse of existing buildings, alongside a substantial new cafe building. While heritage benefits would be delivered by some aspects of the proposals, some interventions would result in a degree of less than substantial harm to the significance the Castle and other key listed buildings derive from their setting. Your authority will need to be satisfied that there is clear and convincing justification for any harm to heritage significance, and that harm is outweighed by public benefits, in line with the requirements of the National Planning Policy Framework (NPPF).

Designs for the proposed cafe have been amended to improve its integration with the surrounding landscape. Further information has been provided on the market appraisal for the scheme, landscape visual and heritage impacts. A lack of clarity remains, however, on the proposed use of the Castle following the implementation of the proposed new development included in Phase 1 of the masterplan, but before the proposed new uses of the Castle under Phase 2 are secured and implemented. Your authority should be satisfied that the conservation of the Castle will be maintained until its sustainable long-term future use is secured.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 200 and 202 of the NPPF.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Planning Assessment

The application presents one phase of a Masterplan for Elvaston Castle Country Park. The Masterplan includes proposed development and restoration of the entire site, and applications for appropriate consents will be required for phased development as the scheme progresses. The ownership of the entire site will remain consistent; the obligation to and liability of the Heritage Assets will continue to be the responsibility of Derbyshire County Council. The future use, condition and opportunities for the Castle remain at the forefront of the Masterplan and project team.

Historic England has been consulted for both the LBC and the Planning Permission applications. It should be noted that the comments provided by Historic England include reference to buildings outside the LBC application red line.

The Planning Committee are advised that matters relating to the wider site are being considered as part of the Planning Application and should not be included in this assessment of LBC.

New development on the site can only be implemented once a change of use and planning application has been approved by the relevant Planning Authority.

The consultation response from Historic England refers to the Castle building, which will be addressed in future phases of the Masterplan. The LBC application does not include the Castle building, and therefore the Castle should not be a consideration in determining this application.

Historic England provide no objection to the proposal for LBC. The consultation response clearly states that the previous concerns have been addressed through resubmission of drawings and photographs providing context to the application. "We are content that the analysis contained in the Addendum addresses our concerns regarding views from the Castle and potential impacts on heritage significance."

The consultation response also refers to the heritage benefits derived from Phase One, in protecting the outbuildings, which are currently redundant, and in a declining condition. The LBC seeks to address the condition of these buildings and provide new purpose and use to generate income to enable further phase delivery of the regeneration Masterplan.

Therefore, the Committee is asked to resolve that Listed Building Consent be granted in accordance with the recommendation below.

Recommendation

Approve subject to the following 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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The works hereby permitted shall be carried out in accordance with plans/drawings ref. below unless as otherwise required by condition attached to this consent.

DRAWING NUMBER DRAWING TITLE

SITE PLAN

ECR_SAB_XX_XX_LP_A_01 10 Proposed Site Plan - Planning Application Boundary
ECR_SAB_XX_XX_LP_A_01 11 Proposed Site Plan - LBC Application Boundary
ECR_SAB_XX_XX_LP_A_01 12 Proposed Site Plan - Phase 1 Development Boundary

UPPER STABLES

ECR_SAB_US_00_SU_A_01 01 Existing Ground Floor Plan
ECR_SAB_US_01_SU_A_01 01 Existing First Floor Plan
ECR_SAB_US_RP_SU_A_01 01 Existing Roof Plan
ECR_SAB_US_00_SU_A_02 01 South Range - Existing Elevations
ECR_SAB_US_00_SU_A_02 11 East Range - Existing Elevations
ECR_SAB_US_00_SU_A_02 21 North Range - Existing Elevations
ECR_SAB_US_00_GA_A_01 01 Proposed Ground Floor Plan
ECR_SAB_US_01_GA_A_01 01 Proposed First Floor Plan
ECR_SAB_US_RP_GA_A_01 01 Proposed Roof Plan
ECR_SAB_US_XX_GA_A_02 01 South Range - Proposed Elevations

ECR_SAB_US_XX_GA_A_02 11 East Range - Proposed Elevations
ECR_SAB_US_XX_GA_A_03 01 South Range - Proposed Section A-A
ECR_SAB_US_XX_GA_A_03 11 East Range - Proposed Section B-B and C-C

NORTH STABLES

ECR_SAB_NS_00_SU_A_01 01 Existing Ground Floor Plan
ECR_SAB_NS_01_SU_A_01 01 Existing First Floor Plan
ECR_SAB_NS_RP_SU_A_01 01 Existing Roof Plan
ECR_SAB_NS_XX_SU_A_02 01 Existing Elevations
ECR_SAB_NS_00_GA_A_01 01 Proposed Ground Floor Plan
ECR_SAB_NS_01_GA_A_01 01 Proposed First Floor Plan
ECR_SAB_NS_RP_GA_A_01 01 Proposed Roof Plan
ECR_SAB_NS_XX_GA_A_02 01 Proposed Elevations

WORKSHOPS

ECR_SAB_WB_00_SU_A_01 01 Existing Ground Floor Plan
ECR_SAB_WB_01_SU_A_01 01 Existing First Floor Plan
ECR_SAB_WB_RP_SU_A_01 01 Existing Roof Plan
ECR_SAB_WB_XX_SU_A_02 01 Existing North Elevations
ECR_SAB_WB_XX_SU_A_02 02 Existing East and West Elevations
ECR_SAB_WB_XX_SU_A_02 03 Existing South Elevations
ECR_SAB_WB_00_GA_A_01 01 Proposed Ground Floor Plan
ECR_SAB_WB_01_GA_A_01 01 Proposed First Floor Plan
ECR_SAB_WB_RP_GA_A_01 01 Proposed Roof Plan
ECR_SAB_WB_XX_GA_A_02 01 Proposed North Elevations
ECR_SAB_WB_XX_GA_A_02 02 Proposed East & West Elevations
ECR_SAB_WB_XX_GA_A_02 03 Proposed South Elevations

GARDENERS COTTAGE

ECR_SAB_GC_XX_SU_A_01 01 Existing Plans
ECR_SAB_GC_XX_SU_A_02 01 Existing Elevations
ECR_SAB_GC_XX_GA_A_01 01 Proposed Plans
ECR_SAB_WS_XX_GA_A_02 01 Proposed Elevations

GAS HOUSE

ECR_SAB_GH_XX_SU_A_01 01 Existing Floor Plans
ECR_SAB_GH_RP_SU_A_01 01 Existing Roof Plan

ECR_SAB_GH_XX_SU_A_02 01 Existing Elevations
ECR_SAB_GH_00_GA_A_01 01 Proposed Ground Floor & First Floor Plans
ECR_SAB_GH_RP_GA_A_01 01 Proposed Roof Plan
ECR_SAB_GH_XX_GA_A_02 01 Proposed Elevations & Section AA

SPRINGTHORPE COTTAGE

ECR_SAB_SC_00_SU_A_01 01 Existing Ground Floor Plan
ECR_SAB_SC_RP_SU_A_01 01 Existing First Floor Plan
ECR_SAB_SC_XX_SU_A_01 01 Existing Elevations
ECR_SAB_SC_00_GA_A_01 01 Proposed Ground Floor Plan
ECR_SAB_SC_RP_GA_A_01 01 Proposed Roof Plan
ECR_SAB_GH_XX_GA_A_02 01 Proposed Elevations

PLANT SALES

ECR_SAB_PS_00_SU_A_01 01 Existing Ground Floor Plan
ECR_SAB_PS_RP_SU_A_01 01 Existing Roof Plan
ECR_SAB_PS_XX_SU_A_02 01 Existing Elevations
ECR_SAB_PS_00_GA_A_01 01 Proposed Ground Floor Plan
ECR_SAB_PS_RP_GA_A_01 01 Proposed Roof Plan
ECR_SAB_PS_XX_GA_A_02 01 Proposed Elevations

CAFÉ

ECR_SAB_CA_00_GA_A_01 01 Ground Floor Plan Café
ECR_SAB_CA_RP_GA_A_01 02 Roof Plan
ECR_SAB_CA_XX_GA_A_02 01 (rev p04) West Elevations
ECR_SAB_CA_XX_GA_A_02 02 (rev p02) North Elevations
ECR_SAB_CA_XX_GA_A_02 03 East Elevations
ECR_SAB_CA_XX_GA_A_02 04 South Elevations
ECR_SAB_CA_XX_GA_A_03 01 Sections AA & BB

Reason: For the avoidance of doubt.

3. Other than where specified on the approved plans/drawings, all external materials used in the development shall match those used in the existing building in colour, coursing and texture unless, prior to their incorporation into the development hereby approved, alternative details are first submitted to and approved in writing by the Local Planning Authority pursuant to an application made in that regard, whereafter the approved alternative details shall be incorporated into the development.

Reason: In the visual interest of the building(s) and the surrounding area.

4. Prior to any pointing commencing, a sample panel of pointed brickwork/stonework no less than 1 sq. m shall be prepared for inspection and approval in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved sample, with the approved sample retained on site throughout the duration of construction works.

Reason: In the visual interest of the building(s), the significance of the heritage asset(s) and the surrounding area.

Item No. 1.2

Ref. No. [DMPA/2021/1057](#)

Valid date: 02/07/2021

Applicant: Alex Smith

Agent: Daniel Kitching

Proposal: **Retrospective application for Change of use from mixed use of retail/storage and car sales (Sui Generis) to a mixed use include Car Sales, MOT centre, Tyre Fitting and Storage (Sui Generis). 2 Woodville Road, Overseal, Swadlincote, DE12 6JG**

Ward: Seales

Reason for committee determination

This item is presented to the Committee as there remains an objection from Derbyshire County Council as Highways Authority.

Site Description

The site is an existing business use within the settlement boundary of Overseal situated on the A444 Woodville Road. Due to its corner position it occupies two road frontages; Woodville Road and Main Street. The building is sited hard against the road frontage on Main Street and is adjacent the Grade II listed Church Farmhouse to the south and the Grade II listed St Matthews Church to the north, on the opposing side of Woodville Road.

There is an existing vehicular access to the site from Woodville Road which leads to a rear parking area. Outside the building footprint on Woodville Road is a forecourt area surrounded by bollards, with direct vehicle access into the building.

The proposal

The proposal is for the retrospective change of use of the site from a mixed use of retail/storage and car sales (Sui Generis) to a mixed use include Car Sales, MOT centre, Tyre Fitting and Storage (Sui Generis). There is no permitted change of use from one Sui Generis use to another, as is allowed elsewhere with different uses which fall into specific classes and therefore planning permission is required for any change of use of the building.

The proposals also include a new vehicular crossing to provide authorised access from Woodville Road directly into the building where there is a MOT testing bay.

Applicant's supporting information

In support of the application an application form, floorplans and photographs have been received. A Design and Access Statement has also been submitted which provides historic imagery of a vehicle access into the building from Woodville Road alongside supporting information which demonstrates the reduction in vehicle movements using the site from its lawful use to that proposed as part of this application.

Relevant planning history

None of relevance to the application.

DMPA/2021/1057 - 2 Woodville Road, Overseal DE12 6JG



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South Derbyshire District Council

South Derbyshire District Council, LA 100019461.2020

Responses to consultations and publicity

Responses received as a result of consultation and publicity carried out in relation to the application can be summarised as follows:

Environmental Health:

No objection or concerns were raised in relation to this application.

Overseal Parish Council:

The Parish Council has no objection to this application.

County Highway Authority:

No objections in principle, however has raised concerns with the proposed access. They further comment that the site should be accessed via the entrance indicated on the application drawing adjacent to 6 Woodville Road. The highway authority have concerns that the site is being used as a two bay MOT centre would result in a significant increase in the number of vehicle movements generated by that part of the building and in vehicles taking access directly from Woodville Road, bumping up the kerb and crossing the wide footway adjacent to the pedestrian crossing, in close proximity to the junction with the busy A444, such manoeuvres would be detrimental to highway safety and open the application to an objection on highway safety grounds.

Relevant policy, guidance and/or legislation

The relevant Development Plan policies are:

Local Plan Part 1 2016 (LP1): S1 (Sustainable Growth Strategy), S2 (Presumption in Favour of Sustainable Development), S6 (Sustainable Access), BNE1 (Design Excellence), SD1 (Amenity and Environmental Quality).

Local Plan Part 2 2017 (LP2): SDT1 (Settlement Boundaries and Development); INF2 (Sustainable Transport)

The relevant national policy and guidance is:

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

South Derbyshire Design Guide Supplementary Planning Document

Planning considerations

Taking into account the application made, the 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 are:

- Principle of development;
- Highway safety;

Planning assessment

Principle of development

The application site relates to an established automotive business 'Tyre King Autocentres' that is located at 2 Woodville Road, Overseal, Swadlincote. The site was previously utilised as a

car show room. However, the current owner has diversified the business into Car MOT and tyre replacements.

At the heart of the NPPF is an economic objective that seeks to help build a strong, responsive and competitive economy (Paragraph 8). In achieving that objective, the NPPF encourages planning policies and decisions to create conditions in which businesses can invest, expand and adapt (Paragraph 81). That is also reflected in the vision of the Development Plan for the district, which seek to support economic growth and a more diverse business environment.

On the basis of the above, it is considered that the proposed diversification of the current business to provide Car MOT and tyre replacements is a minor deviation from the established use of the site. It is understood that the flexibility of the use on the site significantly contributes to securing the long-term economic viability of the site. As such, the principle of development is considered to be entirely acceptable.

Highways

Policy INF2 of the Local Plan Part 1 states that planning permission will be granted for development where: a) travel generated by development should not have undue detrimental impact upon local amenity, the environment and highway safety: b) appropriate provision is made for safe and convenient access to and within the development for pedestrians, cyclists, public transports users and the private car.

It is noted that the Highway Authority has highlighted that they have no objections to the principle of development provided that the site is accessed via the entrance adjacent to 6 Woodville Road. However, it is understood that the applicants wish to continue using the access to the frontage of the property that provides access to the two bays that are used for the provision of the MOT services on site.

The Highway Authority have, however, raised particular concerns with the use of the frontage access. They considered that the proposed change of use to provide MOT services would increase the number of vehicle movements generated by that part of the building. The Highway Authority consider that this access is not suitable, given that it does not provide a dropped curb, it crosses the wide footway adjacent to the pedestrian crossing and is in close proximity to the junction with the busy A444. The Highway Authority consider that this is detrimental to highway safety and would result in an objection on highway safety grounds.

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.'*

In light of the above, it is noted that the frontage access to the property has been used for vehicular access for some decades, as illustrated by the historical images provided in the submitted Design and Access Statement. It is also noted by that the access was in place before the pedestrian crossing was instated, which is demonstrated on Google Street View historic imagery.

The information provided by the applicant highlights that since the site has been used as an MOT test centre, traffic to and from the building has actually reduced. It is understood that the use of the site purely for car sales required constant use of the frontage access for test drives, valeting, MOT's, repairs, body works and wheel refurbishments. Moreover, the site has gone from having 40 cars on site at any one time to only 8 cars. The figures presented to the Council includes an estimated daily use of the frontage access of 20-30 crossing per day. The proposed change of use provides the majority of the access via the side entrance, where tyre

bays are located. The frontage access is estimated to be used a total of 6 times a day for MOT servicing. In addition, it is recognised that the MOT service bay enables sufficient space for cars to turn road, such that they leave the access in a forward motion.

On that basis, whilst it is accepted that the frontage access is substandard, it is accepted that there will be a reduction in the use of the access following the proposed change of use. Notwithstanding this, the access has been established for decades. As such, the proposed change of use will result in a modest benefit to the use of this substandard access.

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 the following 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 the plans as validated on 2nd July 2021, 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: For avoidance of doubt

Item No. 1.3

Ref. No. [DMPA/2021/0750](#)

Valid date: 08/06/2021

Applicant: I Shaw

Agent: Planning and Design Practise Ltd

Proposal: **The erection of a detached dwelling on land at Breachlands, Breach Lane, Melbourne, Derby, DE73 8DF**

Ward: **Melbourne**

Reason for committee determination

The proposal is not fully in accordance with the Development Plan.

Site Description

The application site is located to the north-west of Melbourne, in the open countryside on the northern side of Breach Lane. The site is adjacent to a watercourse which runs north-south immediately to the west of the site and the site is almost halfway between the B587 to the east, and the A514 to the west. The site experiences significant levels differences with the proposed location of the dwelling significantly lower than the existing property. The site is currently mainly a grassed field but also contains one of the two drives serving the existing property.

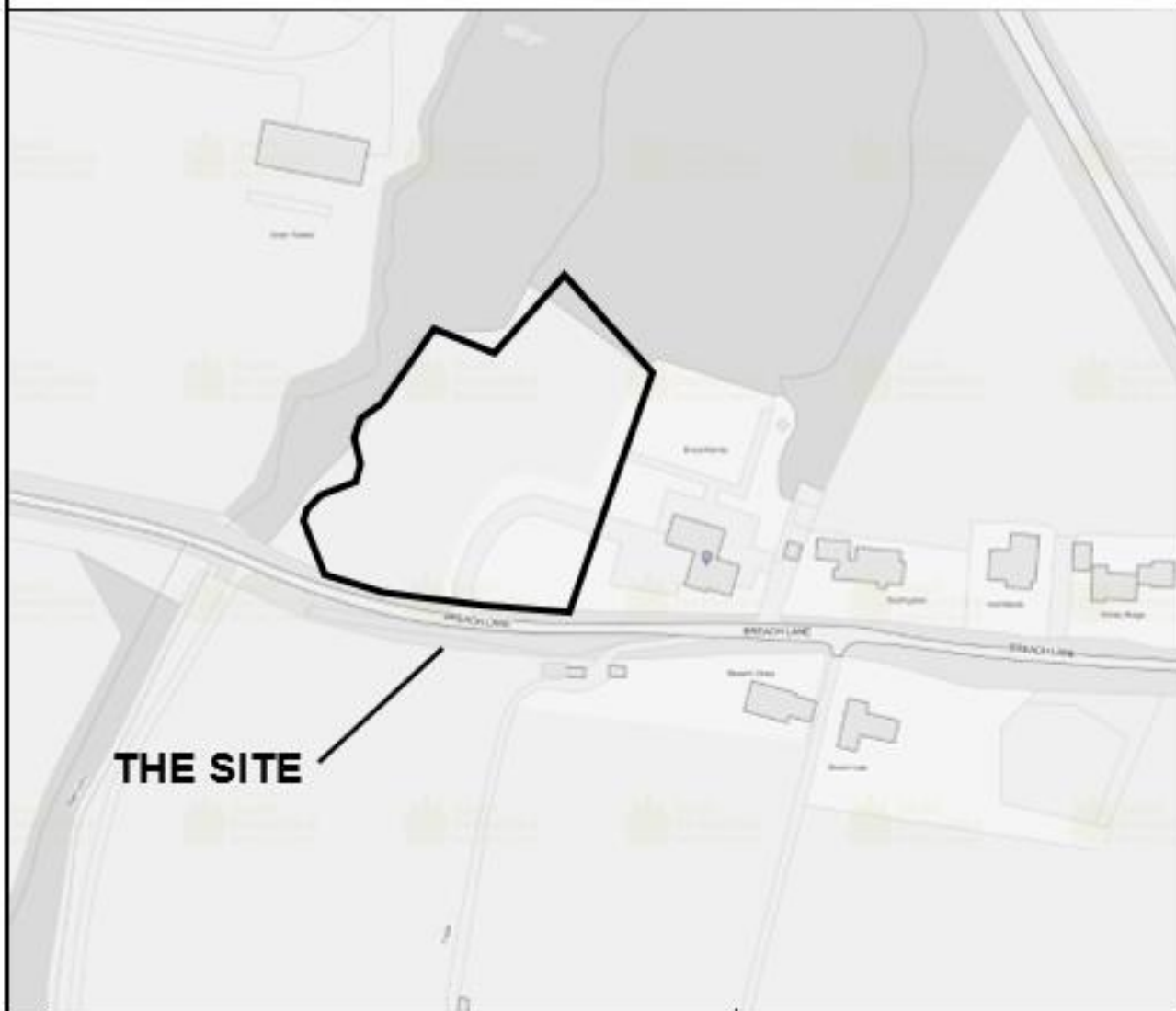
The proposal

The proposal has evolved during the consideration of the application and seeks permission to erect a detached, two storey, L-shaped building for the main house, plus a detached building for use as a car port with utility room and plant room, sited between the proposed house and Breach Lane, and a smaller, detached outbuilding for domestic storage to the east of the proposed house. Within the garden a surface water detention pond is proposed in the south-western corner of the site, as well as wildlife pond immediately to the west of the proposed house with decking providing outdoor space for the house in that part of the site. A more formal pond is proposed on the eastern side of the proposed hose within an area proposed to be hard surfaced whilst the wider grounds are proposed to be wildflower meadow plus an orchard. The existing sweeping driveway would be removed and would only lead to the proposed car port and driveway with the existing property served by the second access which lies to the east of the existing property.

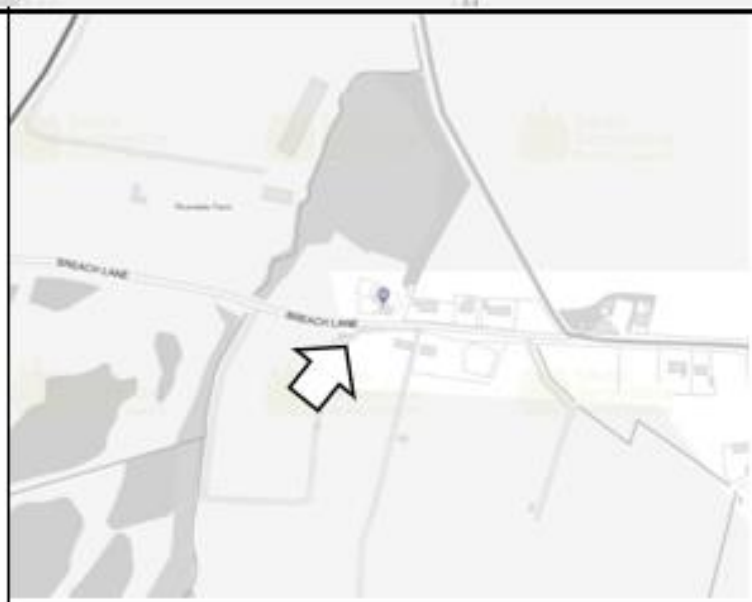
Applicant's supporting information

A **Preliminary Ecological Appraisal Report** (PEAR) and a revised **Biodiversity Metric and Habitat Plan** updated to metric 3.1 which shows a net gain of on-site habitats of 42.14% as well as a net gain for hedgerows of 273.59%.

A **Drainage Strategy** which shows surface water being attenuated in a detention basin before it outfalls to the adjacent watercourse to the west, with foul waste being treated in a BioDisc before discharging to the same watercourse.



THE SITE



MAPS ARE NOT TO SCALE

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South Derbyshire District Council. LA 100019461.2020

An **Energy Statement** states that an exemplar approach is proposed based on low energy design principles. It states that long term energy benefits are best realised by reducing the inherent energy demand of the building, as has been the approach adopted by the Design Team for the Orchard Barn project, and that to demonstrate the low-energy credentials of the design, a PassivHaus Planning Package assessment tool has been used which shows the proposal for Orchard Barn would meet the PassivHaus criteria, although this is an early stage assessment of the building fabric only.

A **Design & Access Statement** sets out the background to the application, the site history and analysis, a contextual analysis of the area, that the design takes the utilitarian but contemporary approach reflecting traditional farm buildings, construction standards and methods, and explains their justification for the proposed dwelling in planning terms.

A **Planning, Design and Access Statement** describes the site and its history, as well as the proposals, and explains why they consider the proposal to be truly outstanding or innovative, reflecting the highest architectural standards. It states the uniqueness of this development arises from the fact that there are particular and interesting, short, and long viewpoints, from which you are able to admire the architectural design, The proposal will meet Passivhaus standards and has been designed to be carbon neutral with the aim of generating more energy than it consumes. It states that the use of the 'innovate' SIP (Structural Insulated Panels) has only been used in commercial applications and this will be one of the first residential schemes to use this form of SIP panel. It states that the proposal is a design rooted in the local vernacular, it is an inspired design of the highest architectural quality that will add significantly to the appearance and character of this rural area. In terms of enhancing its immediate setting, the proposals uses the natural topography of the site to inform the scale and layout of the site. The 'Shed' which is adjacent to the main building, will be low slung and cut into the natural slope of the site. The topsoil and sandstone excavated from the landscape to achieve appropriate building levels will be retained and used on the new green roof and in the construction of the buildings which will help to provide thermal stability and increasing biodiversity. In terms of landscaping the primary aim is to restore & re-establish the site to its historical use as an orchard, which will enhance the landscape and create a strong sense of place.

It states that the applicants have engaged with the Regional Design Panel and the design evolved from those discussions and that this is a holistic approach to development where the buildings and the landscaping are integrated. The design is taken from the local rural vernacular and seeks to use in its construction materials from the site itself to be part of the landscape. The construction method is innovative, this particular SIP panel construction is taken from commercial buildings. The frameless construction method is quick to erect and provides a weatherproof and insulated structure that can be installed in any rural area. The fabric can meet Passivhaus standards, well above conventional construction, and significantly higher than the Government's proposed future homes standard. The method of construction limits the need for such a wide range of trades but still allows local contractors to be involved in the building process. The SIP panels are low carbon, and the timber is sourced from sustainable UK forests. When combined with a ground source heat pump and solar panels the method of construction provides a low carbon approach to construction and living.

Relevant planning history

None relevant.

Responses to consultations and publicity

Environment Agency

No objection subject to an informative relating to disposal of foul sewage.

Natural England

No objection.

Environmental Health

No objection.

Melbourne Civic Society

OBJECT - The development is outside of the established settlement area, pushing the building line further along Breach Lane, a rural highway. Further development should therefore not be allowed here. The only way in which the applicant can obtain planning permission here is by invoking clause 79 (previously 55) of the NPPF. In fact, very few buildings have been built in this country under this loophole and unfortunately one of these was in this parish (a building of little merit, not too far away).

The applicant states the proposal accords with NPPF clause 79 but in our view the proposed build looks like a series of prefabricated sheets bolted together, with some sandstone facing. Is this really outstanding innovative design? Not in our opinion.

The Planning Design and Access Statement admits "The proposals do not meet the policy requirements of the adopted local plan and policy BNE5". We totally agree with this and the statement that it is outside of the established Settlement Area. We are also concerned that it is pushing the building line further along Breach Lane, a rural highway. Further development should therefore not be allowed here.

The only way in which the applicant can obtain planning permission here is by invoking clause 79 (previously 55) of the NPPF. In fact, very few buildings have been built in this country under this loophole and unfortunately one of these was in this parish (a building of little merit, not too far away).

Reading these sections in the submission seems more like a PR statement, we consider the build looks like a series of prefabricated sheets bolted together, with some sandstone facing. Is this really outstanding innovative design? Not in our opinion.

The proposal would be more like "a blot on the landscape" rather than enhance the immediate setting.

It seems to be too large for the location, a boring stark design, not innovative or truly outstanding, which shouldn't be judged as achieving the NPPF criteria, and not enhancing the immediate surroundings.

East Midlands Airport Aerodrome Safeguarding Authority

No objection subject to conditions relating to the prevention of birds at the proposed pond; lighting being installed so as to prevent no upward light spill; and removal of PD rights for non-reflective glass or solar pv. Informatives relating to lighting and notification of cranes and tall equipment are also requested.

Melbourne Parish Council

No objection.

County Highways Authority

No objection subject to conditions relating to altering the existing access; setting gates back 5m; and the provision and retention of the parking and turning areas.

Derbyshire Wildlife Trust

No objection, but request conditions relating to avoiding works during the bird nesting season; accordance with PEA; submission of a Landscape and Biodiversity Enhancement and Management Plan (LBEMP).

Members of the public

One letter of support from a neighbour as a result of publicity undertaken, which can be summarised by the following points:

- a) I welcome the green roof.
- b) I welcome the reintroduction of the orchard.
- c) Measures should be taken to prevent run-off to the brook but welcome the inclusion of a pond.

Relevant policy, guidance and/or legislation

The relevant Development Plan policies are:

2016 Local Plan Part 1:

S2 (Presumption in Favour of Sustainable Development)

S6 (Sustainable Access)

H1 (Settlement Hierarchy)

SD1 (Amenity and Environmental Quality)

SD2 (Flood Risk)

BNE1 (Design Excellence)

BNE3 (Biodiversity)

BNE4 (Landscape Character and Local Distinctiveness)

INF2 (Sustainable Transport)

INF5 (East Midlands Airport)

2017 Local Plan Part 2:

SDT1 (Settlement Boundaries and Development)

BNE5 (Development in the Countryside)

BNE7 (Trees, Woodland and Hedgerows)

Melbourne Neighbourhood Plan:

DP1 - Proposals for new development.

DP2 – Character and setting of Melbourne and Kings Newton

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)
National Design Guide (NDG)

Planning considerations

The main issues central to the determination of this application are:

- The principle of development and whether the proposal is outstanding or innovative (para 80 NPPF),
- Biodiversity impacts, and
- Highway safety.

Planning assessment

The principle of development and whether the proposal is outstanding or innovative (para 80 NPPF)

The proposal lies outside of any defined settlement boundary, as defined in the local and neighbourhood plans, and within the open countryside. Local planning policies only make allowances for limited housing development, with LPP1 Policy H1 (Settlement Hierarchy) stating that in rural areas such as this only limited infill and conversion of existing buildings will be acceptable. LPP2 Policy BNE5 sets out criteria for development in rural areas whilst Melbourne Neighbourhood Plan Policy DP1 does not allow for new housing development outside settlement boundaries and Policy DP2 requires consideration on the character and setting of Melbourne and Kings Newton. However, the NPPF draws a slightly wider allowance for isolated dwellings in the countryside. Previous versions of the NPPF always contained allowances for new isolated homes in the countryside in Paragraph 79 of the 2018 and 2019 versions of the NPPF (as referred to in the supporting documents for this application), and Paragraph 55 of the 2012 version of the NPPF. In the current 2021 version of the NPPF this is contained within Paragraph 80 and sets out the current national planning policy stance on where isolated homes in the countryside such as this would be acceptable. Of those five criteria the one advanced as being applicable in this instance is the fifth criteria, e, which is for dwellings of “the design is of exceptional quality”. In recognising both the very high bar set as well as the subjective nature of interpreting this allowance, the NPPF states this relates to development that:

- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

The policy requires all of the above criteria to be fulfilled therefore it follows that if the proposal can fulfil these requirements, then it should be regarded as sustainable development in principle. It is noted that there is a significant change within the wording of this part of the current NPPF from previous versions, in that the word “innovative” is no longer contained within the first bullet point above, when compared to previous versions.

The layout, hard and soft landscaping, scale, massing, height, orientation, construction makeup, performance, detailing and materials are all relevant to this part of the assessment. Officers have been heavily involved in discussions before and during the consideration of the

application which has also been subject to discussions by the Design Midlands Design Review Panel. This panel is made up of independent experts from varying fields – town planning and urban design, landscape architecture, architecture, and sustainability.

The overall design is bold and distinct from the surrounding dwellings in the vicinity. To some this may offend with it at first glance failing to relate to the local vernacular or this specific site and indeed Melbourne Civic Society have notably raised an objection on this basis. However, the philosophy of this proposal draws on a number of key features – the scheme proposes a house drawing inspiration from the traditional agricultural buildings which can be found within the locality with two interconnected forms in a ‘L’ shape with pitched roofs adjacent to the existing pond to minimise impact on long views. The proposal would be constructed of sandstone to the lower ground and timber cladding to the upper floor and roof. The landscape proposals draw on the history of the site and comprise of re-introducing an orchard within the site, a pond for surface water management, a new hedgerow to create a boundary between the proposed dwelling and the existing dwelling, hard landscape spaces including an outdoor terrace with pond to the east of the house and a terrace to the west adjacent to the pond. It is considered that the proposed vernacular responds well to the and the historical vernacular to good effect. The precedents of historical, utilitarian buildings which have informed the scheme and its form, massing, openings and materiality were welcomed by the Design Panel. The sympathetic approach to siting, design and landscaping of the site are considered to significantly enhance the immediate setting and are sensitive to the characteristics of the area.

Minor recommendations made by the Design Panel including separating the garage from the house; amendments to the pond; developing the orchard design; and removal of the driveway have been addressed in the latest plans. The Design Panel advises that the scheme has progressed and it has the potential to meet the criteria of Paragraph 80 of the NPPF. It is considered that the proposal successfully addresses the criteria set out on the two bullet points above for such exemplar isolated dwellings in the countryside. It is, however, noted that whilst compliant with the NPPF, there is no such policy for such new isolated dwellings in the countryside contained within the Local Plan and the Neighbourhood Plan and as such the proposal does not accord with the development plan in this regard. However, national planning policy must be given appropriate weight based on the individual circumstances of the proposal in question, and therefore whilst not in accordance with some local planning policies regarding development in the rural area, the proposal is considered to accord with Paragraph 80 of the NPPF. On that basis, notwithstanding the comments received in the objection, it is considered that in principle the proposal is acceptable.

Biodiversity impacts

Derbyshire Wildlife Trust were consulted on the original submission and latterly on the latest plans and supporting documents as the scheme evolved during consideration of the application. The council relies on DWT for ecological advice, and they are now content with the submission as well as the conclusions and recommendations made in those reports. With landscaping such an integral part of the design approach to the scheme, with the orchard, wildflower meadow, and extensive hedgerow planting, it is understandable that in this instance the proposed development would see a significant gain in biodiversity, which is acknowledged in the consultation reply from Derbyshire Wildlife Trust. DWT advise that the latest biodiversity metric has been updated to metric 3.1 and indicates a net gain on-site of 42.14% for habitats and 273.59% for hedgerows. They consider the metric and the proposed habitat creation and enhancement to be acceptable and the Trading rules within the metric to have been met.

Subject to the imposition of suitably worded conditions as suggested by Derbyshire Wildlife

Trust, it is considered that the proposal would lead to a significant net gain in terms of biodiversity as required by policies in the Local Plan and Neighbourhood Plan, and on that basis in terms of biodiversity the proposals is considered to be acceptable.

Highway safety

Breach Lane is a relatively narrow road but is an adopted highway which links the B587 to the east, with the A514 to the west. The existing property is located on the northern side of Breach Lane and is served by two access points: one to the east of the existing property and a second one some distance away to the west, further along Breach Lane, which runs some distance through the field up towards the existing property. It is proposed for the existing property to be served by the eastern driveway, with that access amended, with the proposed new property served by the western access with the long, sweeping drive that currently extends to the existing property removed. Initial concerns expressed by the County Highways Authority have been addressed and they are now content with the submission. Accordingly in highway safety terms the proposals are considered to be acceptable and would not result in demonstrable harm to highway safety.

Other matters

With regards to other matters that have not been covered above, the discharge of water to the brook was not raised as an issue by the Environment Agency in their consultation reply and they have control over water discharging to water courses; and the impact on the safe operation of flights to and from East Midlands Airport can be mitigated to some extent by their suggested conditions, however, some solar pv will be necessary in order to ensure that the “green” credentials of the development as proposed are met, so a condition to require those details is proposed.

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 the following 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 the following approved plans/details:

Site and Location Plans as Proposed - 201240-PEV-XX-ZZ-DR-A-5101 - P03

Existing Access Layout - 201240-PEV-XX-ZZ-DR-A-5102 - P01

Breachlands Original Site Access Arrangement - 201240-PEV-XX-ZZ-DR-A-5103 - P01

GA Plans - 201240-PEV-XX-ZZ-DR-A-1200 - P02

Reason: For the avoidance of doubt.

3. Prior to the ponds hereby permitted being created, details of measures that shall be employed to prevent birds that are hazardous to aircraft from being attracted to the pond including mechanisms for the ongoing provision of those measures shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented as approved throughout the lifetime of the development.

Reason: In the interests of flight safety and birdstrike risk avoidance; to prevent any increase in the number of hazardous birds in the vicinity of East Midlands Airport that would increase the risk of a birdstrike to aircraft using East Midlands Airport.

4. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), all exterior lighting shall be capped at the horizontal with no upward light spill.

Reason: In the interests of flight safety and to prevent distraction and confusion to pilots using East Midlands Airport.

5. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no reflective materials other than clear or obscure glass, and specifically no solar PV, shall be installed on any part of the site including the buildings until details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of flight safety and to prevent distraction and ocular hazard to pilots using East Midlands Airport No reflective materials to be used in the construction of these buildings.

6. Prior to any other works commencing on site, the two accesses into the site shall be modified in accordance with application drawings 201240-PEV-XX-ZZ-DR-A-5101 Rev. P01 and 201240-PEV-XX-ZZ-DR-A-5101 Rev. P01. The accesses shall be provided with visibility sightlines of 2.4m x 50m in each direction, the area forward of which shall be cleared and maintained throughout the lifetime of the development free from any obstruction exceeding 600mm in height relative to the nearside carriageway edge.

Reason: In the interests of highway safety.

7. Notwithstanding the details on the approved plans, at both of the vehicular accesses, any gates shall be set back at least 5m into the site from the highway boundary (not the carriageway edge) and open inwards.

Reason: In the interests of highway safety.

8. Prior to the first occupation of the new dwelling hereby permitted, the parking and manoeuvring space for each of the existing and proposed dwellings shall be laid out in accordance with the application drawings and maintained throughout the lifetime of the development free from any impediment to its designated use.

Reason: In the interests of highway safety.

9. No site stripping, demolition works, or vegetation clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are

present, an appropriate exclusion zone shall be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

Reason: To ensure nesting birds are not adversely affected by the development.

10. The development shall proceed in strict accordance with the mitigation measures set out in section 5 of the Preliminary Ecological Appraisal Report prepared by RammSanderson August 2020.

Reason: To ensure ecological mitigation measures are provided.

11. A Landscape and Biodiversity Enhancement and Management Plan (LBEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development, and shall include:
 - a) Description and location of features to be retained, created, enhanced and managed, as per the approved biodiversity metric.
 - b) Aims and objectives of management, in line with desired habitat conditions detailed in the metric.
 - c) Appropriate management methods and practices to achieve aims and objectives.
 - d) Prescriptions for management actions.
 - e) Preparation of a work schedule (including a 30-year work plan)
 - f) Details of the body or organization responsible for implementation of the plan.
 - g) A monitoring schedule to assess the success of the habitat creation and enhancement measures
 - h) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
 - i) Details of location and type for 1 or more integrated swift bricks in line with British Standard BS 42021:2022.
 - 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. The development shall be implemented in accordance with the approved details.

Reason: To enhance and sympathetically manage the biodiversity value of retained and created on-site habitats.

12. No development, including preparatory works, shall commence until protective fences have been erected around all trees and hedgerows that are to be retained on the site which shall conform to best practice as set out in British Standard 5837:2012 (or equivalent document which may update or supersede that Standard) and ensure that no vehicles can access, and no storage of materials or equipment can take place within, the root and canopy protection areas. The fences shall be retained in situ during the course of ground and construction works, with the protected areas kept clear of any building materials, plant, debris and trenching, and with existing ground levels maintained; and there shall be no entry to those areas except for approved arboricultural or landscape works.

Reason: In the interests of safeguarding existing habitat and the visual amenities of the area, recognising that initial preparatory works could bring about unacceptable impacts.

13. Prior to the occupation of a dwelling a scheme of landscaping which shall accord with the Landscape Masterplan 201240-PEV-XX-XX-DR-L-0301 - P06 shall be submitted to and approved in writing by the Local Planning Authority. Details of soft landscaping should evidence compliance with British Standard (BS) 3936: 'Part 1 - Specification for trees and shrubs', BS3969 - 'Recommendations for turf for general purposes' and BS4428 - 'Code of practice for general landscape operations'. All planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding seasons following the first occupation of each respective dwelling or the completion of the development, whichever is the sooner; and any plants which within a period of five years (ten years in the case of trees) from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species and thereafter retained for at least the same period, unless the Local Planning Authority gives written consent to any variation.

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

14. Notwithstanding the approved details, prior to the construction of a boundary wall, fence or gate, details of the position, appearance and materials of such boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be completed in accordance with the approved details before the dwelling is first occupied or in accordance with a timetable which shall first have been submitted to and approved in writing by the Local Planning Authority. 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, no further boundary treatments shall thereafter be erected on the site.

Reason: To maintain control in the interest of the character and amenity of the development.

15. Notwithstanding the submitted details, prior to their provision, further details of the following building elements shall be submitted to and approved in writing by the Local Planning Authority:

- (a) the windows and doors including their materials and finishes;
- (b) chimney;
- (c) rainwater goods;
- (d) any retaining structures; and
- (e) decking.

These elements shall be provided in accordance with the approved details and maintained as approved throughout the lifetime of the development.

Reason: In the interests of the appearance of the building and the character of the area.

16. Prior to their incorporation into the development hereby approved, details and/or samples of the external materials of all buildings as well as all external hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed using the approved materials and they shall be retained in the approved materials.

Reason: Reason: In the visual interest of the buildings and the surrounding area.

17. A recharge point for electric vehicles shall be provided for the dwelling hereby permitted, consisting of an IP65 rated domestic socket 13amp socket, directly wired to the consumer unit with 32-amp cable to an appropriate RCD. This socket shall be located

where it can later be changed to a 32amp EVCP. The electric vehicle charging point shall be provided in accordance with the stated criteria unless an alternative scheme is submitted to and approved in writing prior to first occupation and shall thereafter be maintained in working order and remain available for use throughout the life of the development.

Reason: In the interests of protecting and enhancing air quality through reducing and minimising emissions from vehicles.

18. Notwithstanding the provisions of Parts 1 and 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order) the dwelling, car port, and store hereby permitted shall not be altered externally, enlarged or extended, and no further hard surfaced areas shall be created, outbuildings erected, or gates, walls or other means of enclosure erected (except as authorised by this permission or required by any condition attached thereto) on the application site (shown edged red on the submitted plan) without the prior grant of planning permission on an application made in that regard to the Local Planning Authority.

Reason: To maintain control in the interest of the character and amenity of the area, the nature of the property, having regard to the setting and size of the development.

19. All plumbing and service pipework, as well as soil and vent pipes, shall be located inside the dwelling and prior to their provision details of electricity and gas meter cupboards including the type, number, position and finish of such features shall be submitted to and approved in writing by the Local Planning Authority. Any such features shall be incorporated in accordance with the approved details and thereafter maintained as such.

Reason: Reason: In the interests of the appearance of the dwelling and the character of the area.

20. The dwelling hereby approved shall be constructed so as to achieve the Passivhaus standard and prior to the first occupation of the dwelling a certificate or other verification which demonstrates that the building complies with the Passivhaus standards and that all Passivhaus criteria have been met for the dwelling, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development is constructed to the appropriate standard in light of the nature of the proposed development.

Informatives:

- a. The Environment Agency advises that government guidance contained within the national Planning Practice Guidance (Water supply, wastewater and water quality – considerations for planning applications, Paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:
 - a. Connection to the public sewer
 - b. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)
 - c. Septic Tank

Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, in addition to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

Please note that the granting of planning permission does not guarantee the granting of an Environmental

Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24-hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply.

Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit. Further advice is available at:

<https://www.gov.uk/permits-you-need-for-septic-tanks> and <https://www.gov.uk/guidance/general-binding-rules-small-sewagedischarge-to-the-ground>

- b. East Midlands Airport advises that no direct lighting any rooflights must emit light upwards, and that only downward facing ambient lighting must be installed and ideally automatic blinds should be installed.
- c. East Midlands Airport advises that given the location of the site the airport will take action against anyone found to be in contravention of the Air Navigation Order, in particular Part 10:240 which states that a person must not recklessly or negligently act in a manner likely to endanger an aircraft, or person in an aircraft, of Part 10:241 which states a person must not recklessly or negligently cause or permit an aircraft to endanger any person or property.
- d. East Midlands Airport advises the developer to be aware of new procedures for crane and tall equipment notifications, please see:

<https://www.caa.co.uk/Commercial-industry/Airspace/Event-and-obstacle-notification/Crane-notification/>

Item No. 1.4

Ref. No. [DMOT/2023/0005](#)

Valid date: 04/01/2023

Applicant: David Shepherd

Proposal: The felling and pruning of trees at 11 High Street, Ticknall, Derby, DE73 7JH

Ward: Repton

Reason for committee determination

The applicant for this application is Councillor David Shepherd.

Site Description

The host property is a grade II listed building and is located on High Street within the Ticknall Conservation area. It is situated slightly set back from the highway, with a low boundary wall to the street frontage and gardens to the front and side, which are visible from the public realm.

High Street, Ticknall, features a variety of vegetation and trees on the frontage, some of which are protected by a South Derbyshire Tree Preservation Order, the scott's pine to the front of the host is one such tree and the proposals do not effect this particular tree.

The proposal

The proposals, as indicated on the application form, can be detailed as follows:

'Tree 1 – Sycamore Tree – Crown Topping to western side which overhangs neighbor's guttering. Reduce the crown to the western aspect where it overhangs neighbor's property'. (The submitted tree quote states 'Reduce sycamore tree in the rear garden from over next doors garden by 2m')

'Tree 2 – Removal of Cotoneaster shrub from front garden.'

Tree 3 – Removal of Buddleia shrub from the rear garden.'

Group 1 – Removal of three Conifers from our rear garden as the centre tree is dying. They are also infringing on the beautiful Acer tree and depriving it of light on the advice of Taylor-Day. These trees offer little in the way of amenity value and plan to immediately re-plant with six foot conifers in order to maintain privacy.'

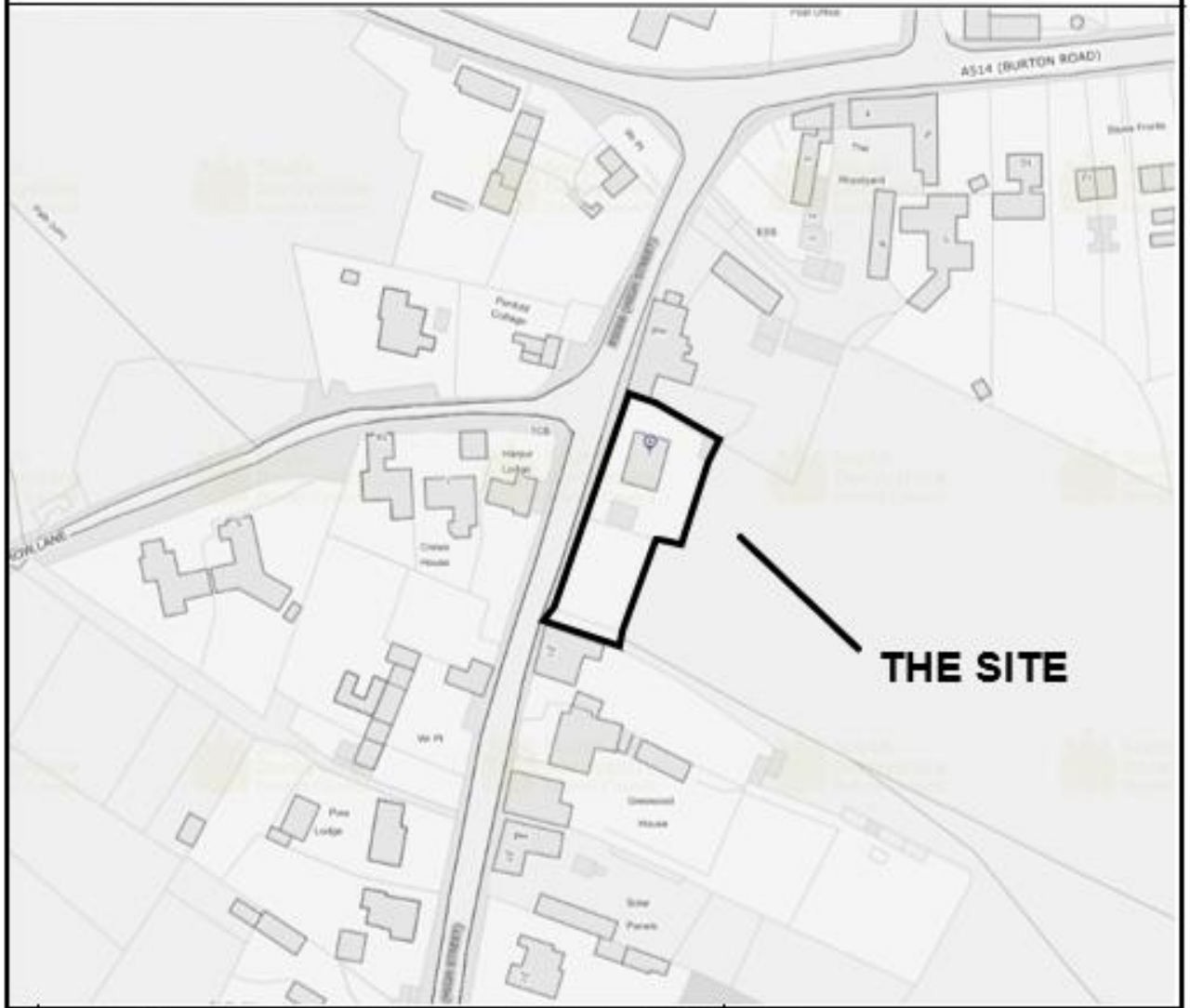
Applicant's supporting information

The applicant has submitted photographs, a location pan/sketch plan and and quote from the tree surgeon, identifying the proposed works.

Relevant planning history

- **9/2006/1284** - The crown thinning by 30% of a silver birch tree. No Objections December 2006

DMPA/2023/0005 – 11 High Street, Ticknall, Derby, DE73 7JH



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- **9/2015/0334** - The felling of a corsican pine tree covered by South Derbyshire District Council Tree Preservation Order number 77. Withdrawn.
- **9/2016/0925** - The felling and pruning of trees. No Objections November 2016.

Responses to consultations and publicity

The responses received as a result of the consultation and publicity carried out in relation to this application can be summarized as follows:

SDDC Biodiversity Officer

Tree 1 has amenity value however the works propose a proportionate crown reduction for which the need and justification is apparent. Serving of an Order on Tree 1 is not advised. 'Tree 2' and 'Tree 3' are low growing shrubs of limited amenity value and do not warrant a TPO.

The conifer trees are established and tall specimens located in the rear garden of the property. The trees provide amenity value, however, this is localised and their loss would not have a significant impact on Ticknall Conservation Area. Leyland/Lawson cypress as they can reach very tall ultimate heights and are often not appropriate as long-term garden trees.

Relevant policy, guidance and/or legislation

The relevant Development Plan policies are:

Local Plan Part 1 (LP1): S1 (Sustainable Growth Strategy), BNE4 (Landscape Character and Local Distinctiveness)

Local Plan Part 2 (LP2): BNE7 (Trees, Woodland and Hedgerows)

The relevant national policy and guidance is:

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

The relevant legislation is:

The Town and Country Planning (Tree Preservation) Regulations 2012

Planning considerations

The main issues central to determining this application are:

- If the proposals are appropriate to the trees/shrubs
- Whether the trees/shrubs should have a Tree Preservation Order Placed on them, taking into account of the proposed works

Planning assessment

The trees in which this application relate are located within the Ticknall Conservation Area and are within the curtilage of a grade II listed building. Proposals suggest works to a variety of trees/shrubs, the proposed works can be summarized as follows:

'Tree 1 – Sycamore Tree – Crown Topping to western side which overhangs neighbour's guttering. Reduce the crown to the western aspect where it overhangs neighbour's property'. (The submitted tree quote states 'Reduce sycamore tree in the rear garden from over next

doors garden by 2m')

'Tree 2 – Removal of Cotoneaster shrub from front garden.

Tree 3 – Removal of Buddleia shrub from the rear garden.

Group 1 – Removal of three Conifers from the rear garden.'

In regard to the works proposed to 'Tree one' whilst it is considered that the tree has amenity value the works propose a proportionate crown reduction for which the need and justification is apparent. The Council's Biodiversity Officer does not advise serving of an Order on 'Tree one'.

The Biodiversity officer comments that 'Tree two' and 'Tree three' are low growing shrubs of limited amenity value and it is advised that these specimens do not merit a TPO. Additionally a section 211 is not required as the specimens are shrubs, not trees. Nonetheless, I advise that the proposed removal of 'Tree 2' and 'Tree 3' should be approved.

In relation to the works to 'Group One' the conifer trees are established and tall specimens located in the rear garden of the property. The trees provide amenity value, however, this is localised and does not command significant visual amenity on the street scene through Ticknall, in comparison to the tall Scot's pine tree in the front garden protected by a TPO. It is not considered that the removal of the conifer trees would have a significant impact on Ticknall Conservation Area due to the abundance more prominent good quality trees within the garden of 11 Ticknall Road and adjacent properties. The Leyland/Lawson cypress as they can reach very tall ultimate heights and are often not appropriate as long-term garden trees.

In summary it is considered that the works proposed are appropriate and it is not considered that any of the trees affected strongly merit an Order being served. In accordance with the aims and objectives of Policies BNE3, BNE4 and BNE7 and the NPPF 2021 the works are therefore considered to be acceptable.

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

The proposals to the trees/shrubs in question, do not warrant a tree preservation order to be served and therefore the recommendation is to raise '**No objections**' to the proposed works.

Informatives:

- e. The works hereby approved shall be carried out within two years of the date of this consent.
- f. The works shall be carried out in accordance with BS3998:2010 - Tree Work.

Item No. 1.5

Ref. No. [DMPA/2022/0653](#)

Valid date: 16/05/2022

Applicant: Petrina Tyson

Agent: SDDC Housing Services

Proposal: Installation of dropped kerb and hard standing including associated engineering works at 67 Springfield Road, Midway, Swadlincote, DE11 0BY

Ward: Midway

Reason for committee determination

The Council has submitted the application.

Site Description

The site is located on a tree lined straight road, of mainly semi-detached houses of similar appearance, set equidistant from the highway. The dwelling, No 67 Springfield Road, presently has no vehicular access. There is a disabled parking space in the highway immediately outside the site. The present pedestrian access path slopes down from the road to the front door.

There are mature Lime trees either side of the site, located within the public footway. A tree survey and arboricultural method statement accompany the proposal.

The proposal

The proposal would involve the formation of a vehicular access to serve an off street parking area within the application site, sloping at roughly 1 in 6 to meet a level platform adjacent to the front door.

Applicant's supporting information

- Site Location Plan received 16th May 2022
- Existing Site/Block Plan received 16th May 2022
- Proposed Site/Block Plan received 16th May 2022
- Tree Survey Report including Appendix 1 and 2 received 15th December 2022
- Tree Protection Plan received 13th January 2023

Relevant planning history

None.

Responses to consultations and publicity

Derbyshire County Council Highway Authority

No objection subject to conditions.



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Relevant policy, guidance and/or legislation

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications shall 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) Planning Practice Guidance (PPG), National Design Guidance (NDG) together with the South Derbyshire Design Guide Design Supplementary Planning Document (SPD).

The relevant Development Plan policies are:

South Derbyshire Local Plan – Part 1: Policy S2 (Presumption In Favour of Sustainable Development), Policy SD1 (Amenity and Environmental Quality), Policy SD4 (Contaminated Land and Mining Legacy Issues), Policy BNE1 (Design Excellence), Policy BNE3 (Biodiversity), Policy BNE4 (Landscape Character and Local Distinctiveness), Policy INF2 (Sustainable Transport)

South Derbyshire Local Plan – Part 2: Policy SDT1 (Settlement Boundaries and Development), Policy H27 (Residential Extensions and other Householder Development), BNE7 (Trees, Woodland and Hedgerows)

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

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 are:

- Design
- Amenity
- Trees
- Highway safety and sustainable transport
- Mining legacy

Planning assessment

Design

The proposal would be a simple hardstanding, staying close to existing contours. As such there would be minimal visual impact and no demonstrable harm to the general character of the area, in accordance with Policies BNE1 & H27

Amenity

The installation and use of the driveway would not generate any atypical or unacceptable noise or disturbance and there is thus no offence to Policies SD1 & H27.

Trees

There are two mature trees in the highway which could be affected by the associated engineering works. A tree survey in accordance with 'BS 5837 (2012)-Trees in relation to design, demolition and construction – recommendations' has been undertaken. An Arboricultural Method Statement is proposed following assessment. An appropriate condition would require this to be adhered to in the interest of preserving the amenity and biodiversity value of the trees, in accordance with Policies BNE3, BNE4 and BNE7.

Highway safety and sustainable transport

On the advice of the Highway Authority, and subject to its recommended conditions, the proposal would not adversely affect highway safety. Furthermore, as also required by Policy INF2, the proposal facilitates the need to provide sufficient conveniently located spaces to meet the needs of people with impaired mobility.

Mining legacy

The site lies in an area affected by previous coal mining activity. An appropriate informative, drawing attention to Coal Authority Standing Advice, would adequately safeguard this issue in accordance with Policy SD4.

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 the following 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 drawing ref. AMB 02 submitted with the application; 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. The development shall proceed in accordance with the recommendations at section 6 (Arboricultural Method Statement) of the Tree Survey report, Arboricultural Implications Assessment and Arboricultural Method Statement dated 15th December 2022.

Reason: In the interests of safeguarding existing habitat and the visual amenity of the trees.

4. Pedestrian visibility splays of 2m x 2m shall be provided and permanently maintained on both sides of the access. There shall be no obstruction to visibility between 0.6m and 2.0m above carriageway level.

Reason: To provide adequate visibility for drivers entering or leaving the site and to ensure the safety of pedestrians and vehicles.

5. The development hereby permitted shall not be brought into use until such time as the access drive has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway.

7. The existing disabled parking bay in the highway shall be removed before the new vehicular access and hardstanding are brought into use.

Reason: In the interest of highway safety.

Informatives:

- g. The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Item No. 1.6

Ref. No. DMPA/2022/1202

Valid date: 29/08/2022

Applicant: Kabal

Agent: Adil Bashir

Proposal: Conversion of existing 4 bed dwelling to childrens care home at 61 Ashby Road, Woodville, Swadlincote, DE11 7BZ

Ward: Woodville

Reason for committee determination

This item is called to Committee by Councillor Taylor following a request from Woodville Parish Council.

Site Description

The site relates to a two storey red brick building set back from Ashby Road. There is a paved parking area located to the front of the property and a sizeable garden located to the rear.

The surrounding properties vary in size and architectural style and the area is predominantly residential in nature.

The proposal

The application seeks permission to change the use of a 4 bed residential dwelling into a children's care home (Use class C2).

Applicant's supporting information.

The applicant has submitted a number of documents to support this application including;

- Location Plan and Site Plan Dr No. A102,
- Existing and Proposed Floor Plans Dr No. A103
- Existing and Proposed Elevations Dr No. A104
- Supporting Statement received 29th August 2022

Relevant planning history

9/2016/0668 – The erection of a rear extension

9/2000/0467 - The erection of a part two storey extension

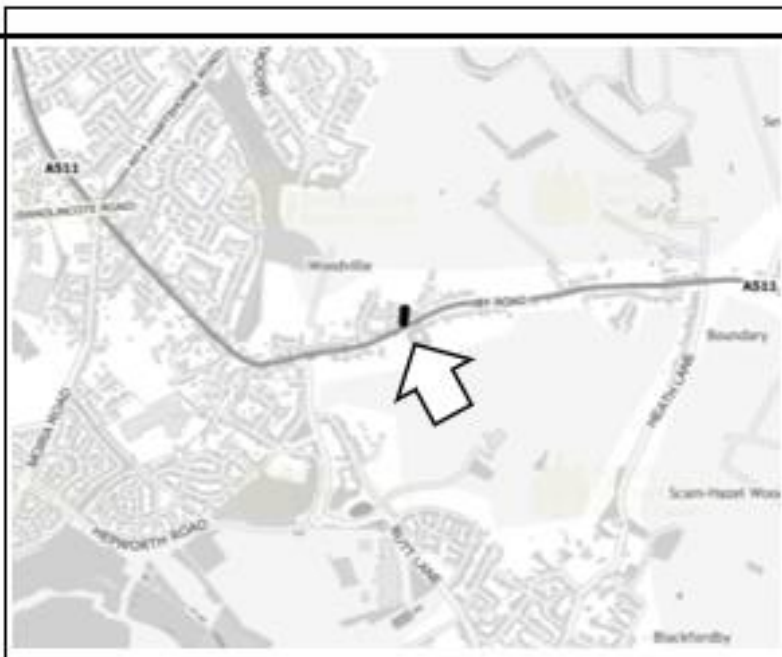
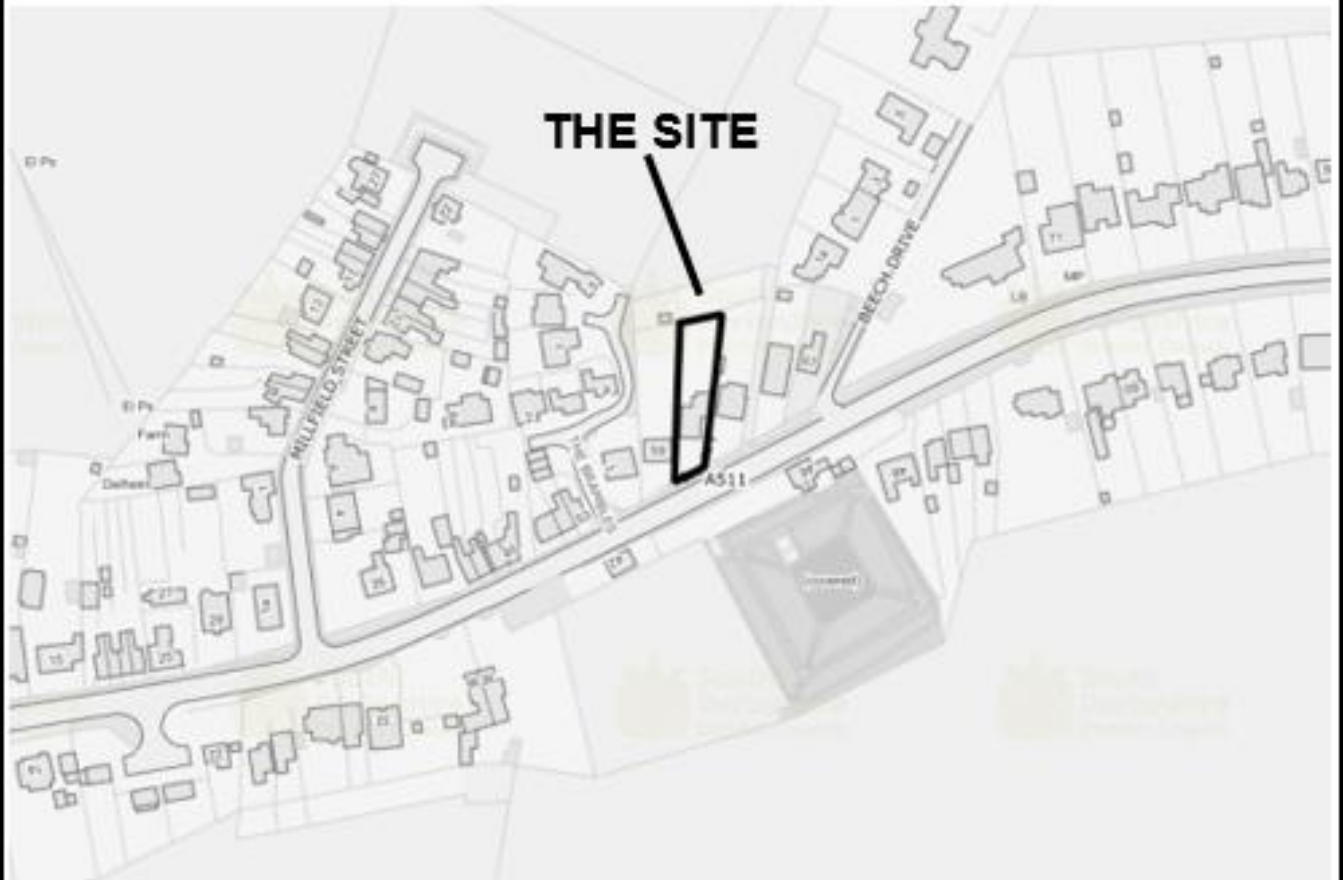
Responses to consultations and publicity

Derbyshire County Council Highways Authority

No objection.

Environmental Health Officer

No objections.



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South Derbyshire District Council, LA 100019461.2020

Public Responses

One letter of objection has been received from a neighbouring property outlining the following concerns;

- a) increase of noise from deliveries, cleaners and volume of visits.
- b) privacy issues to our front bedrooms.
- c) traffic congestion issues with parking of visitors and deliveries.
- d) will the children be able to bring friends home? Will the children have disabilities? Is one carer (per shift) enough to clean, cook and look after four children at the same time? Is there any scope to extend the number of employees or children? The application states only 3 parking spaces, is this guaranteed? Who is going to be responsible for transportation of all 4 children to school or activities?

Woodville Parish Council

We have concerns regarding the impact on the amenity of the area, access and adequate parking provision. We would like to request the application is called in before the planning committee.

Relevant policy, guidance and/or legislation

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications shall 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) Planning Practice Guidance (PPG), National Design Guidance (NDG) together with the South Derbyshire Design Guide Design Supplementary Planning Document (SPD).

The relevant Development Plan policies are:

Local Plan Part 1 2016: S1 (Sustainable Growth Strategy), S2 (Presumption in Favour of Sustainable Development), H1 (Settlement Hierarchy), SD1 (Amenity and Environmental Quality), BNE1 (Design Excellence), BNE3 (Biodiversity), INF2 (Sustainable Transport), E7 (Rural Development).

Local Plan Part 2 201: SDT1 (Settlement Boundaries and Development),

Planning considerations

Taking into account the application made, the 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 are:

- Principle of the proposed development
- Impact upon the character and appearance of the area
- Residential amenity
- Adequacy of parking and highway safety

Planning assessment

Application Site

The site relates to a two storey detached, red/brown brick five bedroom property which lies outside the settlement boundary of Swadlincote. The surrounding area is predominantly residential where the properties are varied in size and style. There is a sizeable garden at the rear and a large paved parking area to the front of the property.

The proposed development

Planning permission is sought for the change of use of a single residential dwelling (Use class C3) to a residential children's care home (use class C2). The scheme involves the re-use of the existing building with no exterior alterations proposed. The supporting statement states that the home would accommodate 4 children under 17 years old and 1 full time carer working alternative shift patterns.

Principle of the proposed development

The site lies outside the settlement boundary of Swadlincote approximately 285m from the edge of the boundary. In this case, no new development or alterations are proposed, and the application seeks to use the existing dwelling as a care home.

In terms of the proposed change of use Policy E7 of the Local Plan is relevant to rural development (outside settlement limits) in general terms. This policy states that:

'Development proposals which diversity and expand the range of sustainable employment activities on land outside settlement boundaries will be supported by the Council provided they support the social and economic needs of rural communities in the District.'

The Council will support proposals for the re-use, conversion and replacement of existing buildings and development of new buildings where:

- i) it is supported by a sound business case,*
- ii) the local highway network is capable of accommodating the traffic generated,*
- iii) development will not give rise to any undue impact on neighbouring land,*
- iv) it is well designed and of a scale commensurate with the proposed use,*
- v) visual intrusion and the impact on the character of the locality is minimised.'*

The supporting text to Policy E7 refers primarily to changes of use from agriculture to other forms of development, however the policy does not preclude consideration of other changes of use. With regard to the current proposal, although the new employment opportunities are limited to the single carer at any one time, this in itself is insufficient reason to conclude non-conformity with policy E7 which does not stipulate a minimum amount of employment to be provided. Although of limited economic benefit due to the number of jobs created, the applicant has provided a supporting statement which comprises a sufficiently robust business case to demonstrate that the proposal will support the social needs of the wider community (including the rural community) in that the proposal is providing for the care needs of children.

In this instance the children's home could have more comings and goings than a single residential use however it is unlikely to be significant. It is located within a predominately residential area and a care home such as the proposed would be an acceptable use within a residential area. With 4 children and 1 carer present at any one time, the proposal is not dissimilar to any other family dwelling within the area. Furthermore, use of the garden could be argued to be no different to that of a family.

It is therefore considered that the proposed development forms part of the social aspect of sustainable development as set out with S2 and NPPF, and consequently the proposed development is deemed acceptable in principle in this instance subject to the design, character and appearance, amenity and highway issues which are considered further below.

Impact upon the character and appearance of the area

No external changes are proposed to the dwelling and taking this into account, the proposal would not have a detrimental impact on the street scene or character of the area and would be in accordance with Policies E7iv) and v), S2 and BNE1 of the development plan.

Residential Amenity

The scheme does not involve any enlargement of the building and no new windows will be installed. Therefore, the development will not have any significant effect upon the level of light currently received by the surrounding properties nor will it lead to any greater degree of overlooking of the neighbouring dwellings than may currently be occurring.

Some concerns have been raised on potential noise from the occupiers and from the cars with the shift change over and this would impact upon the residential amenity afforded the occupiers of neighbouring properties. This application indicates that the maximum number children which could be accommodated at the property would be 4 with 1 carer per shift. Therefore, it is considered that the impact from noise is likely to be relatively low and would not be at a level which could justify refusal, particularly given that it would not be dissimilar to that of a family dwelling. The children will be supervised 24/7 and noise will be monitored and addressed by the carers on shift. The level of cars leaving and entering the site at any one time (especially during shift changeovers) would not be considered excessive and any noise to arise from the comings and goings of the site would again be similar to a family dwelling with 3 cars.

It is noted the Environmental Health Officer has assessed the scheme and raises no concerns with the proposed development. In view of the above it is considered that the development will reasonably safeguard the amenities currently enjoyed by the neighbouring properties and on this basis, it is considered that in pure neighbour amenity terms it will reasonably satisfy the requirements of Policy E7iii), SD1 and BNE1 of the development plan.

Parking and Highway Safety

Policy INF2 of the LP1 requires that appropriate provision is made for safe and convenient access to and within the development. The existing access will be utilised, and 3 parking spaces will be provided within the driveway which will be used only by the carer on duty and visitor space. Derbyshire County Council (Highways) have reviewed the proposal and raised no objections. The proposal is therefore considered to be in accordance with Policy E7ii) and INF2 of the development plan.

Planning Balance

It is acknowledged that the use of the property as a small-scale children's home is not an overly intensive use of the site and such a proposal located in a residential area is considered to be appropriate in this context. No external changes are proposed to the dwelling and the change of use would not negatively impact on the street scene. On the matter of residential amenity, given the limited number of children and staff associated with the home, coupled to the comments of the Environmental Health Officer it is considered that it would be difficult to substantiate a reason for refusal on the grounds that the use would adversely affect the amenities of neighbouring residential properties.

Therefore, on balance it is considered that the proposal accords with development plan policies E7, S2, SDT1, SD1, and BNE1, together with guidance set within the NPPF and planning permission should be forthcoming.

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 the following 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 drawing(s) ref. Location Plan and Site Plan Dr No. A102, Existing and Proposed Floor Plans Dr No. A103, Existing and Proposed Elevations Dr No. A104, Supporting Statement received 29th August 2022, 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. 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 care home, as defined by Class C2 of that legislation, and for no other purpose whatsoever. Proposals to use the premises for any other purpose within that class shall not take place unless a separate formal planning application has been first 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 and to avoid unsustainable development.

Item No. 1.7

Ref. No. [DMPA/2021/0203](#) & [DMPA/2021/1482](#)

Valid date: 30/09/2021 and 21/10/2021

Applicant: Cameron Homes **Agent:** Pegasus Group

Proposal: The conversion of existing farmhouse and associated barns into 6 dwellings and the erection of 37 new dwellings with access, parking and associated works on land to the North and South of Old Etwall Road Mickleover Derby (43 dwellings in total) and Listed building consent for various works for the conversion of the farmhouse and barns (grade II listed building) into 6 dwellings with parking, access and associated works

Ward: Etwall

Reason for committee determination

These items are presented to Committee as they were called in by Councillor Brown for reasons of local concern and also the applications have generated in excess of four letters of objection in relation to a major planning application.

Site Description

The site is located to the south-west of the urban area of Mickleover; immediately north of the A516. The site is located wholly within the administrative boundary of South Derbyshire District Council, however Mickleover falls within the administrative boundary of Derby City Council, and the boundary is immediately east of the site.

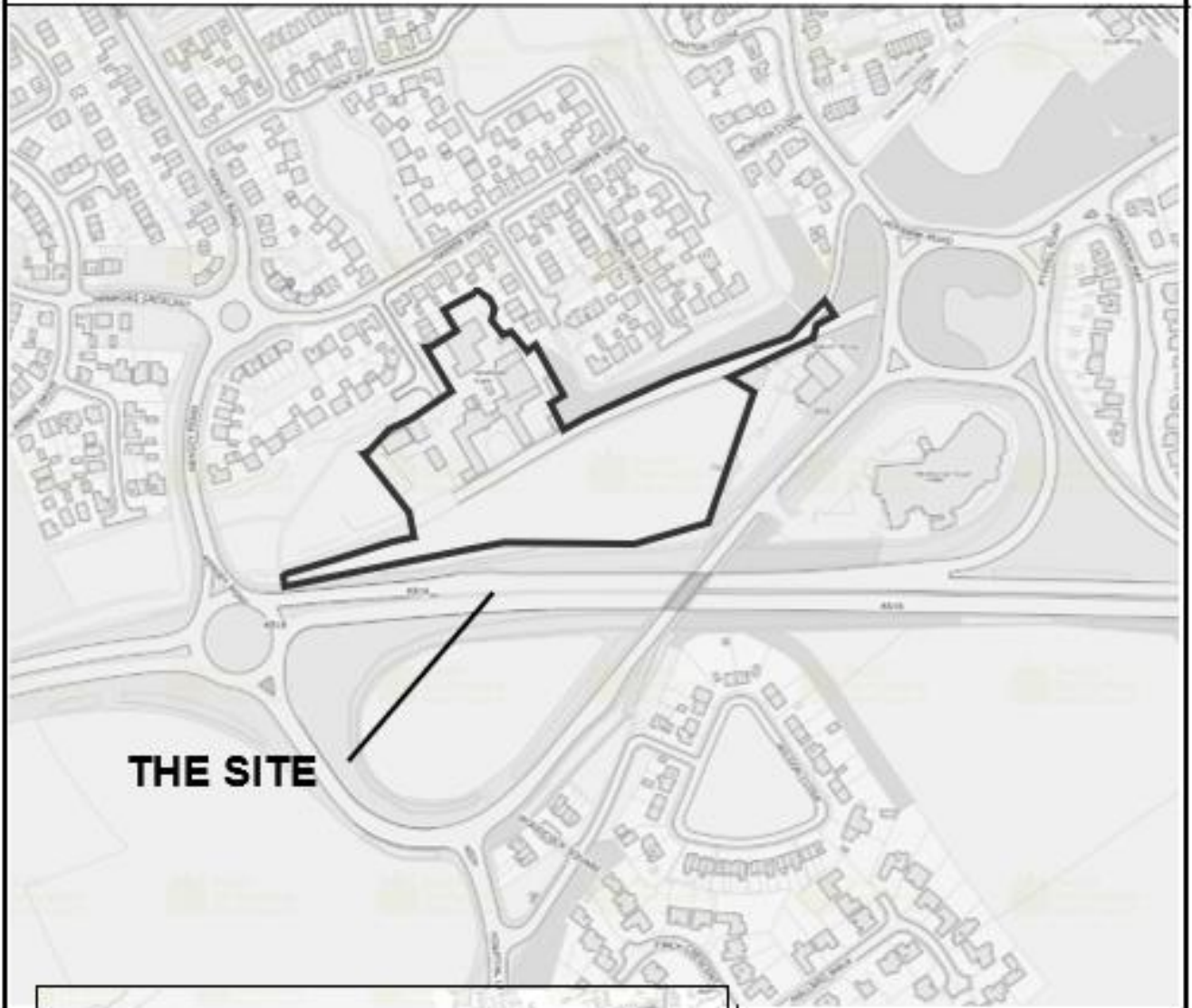
The site is 2.31 hectares in size and is irregular in shape. Old Etwall Road runs east west through the application site, bisecting the site in two. The road is closed off at the western end as a result of the wider delivery of the A516 tying into the local road network. The northern half contains New House Farm and its ancillary buildings. The southern half is open land bounded by hedgerow along Old Etwall Road. The site is relatively flat undulating around 96 AoD to 98 AoD.

The northern half of the application site lies within the allocation 'Land West of Mickleover', Policy H19 of the South Derbyshire Local Plan Part 1 (2016), which allocates the wider site for 1,650 dwellings, a primary school, district centre and community centre.

The land to the north of the site is subject of permission reference 9/2014/1136 and 9/2016/0564 which permitted up to 300 dwellings and access. Further to this, the land to the west of the site and extending north alongside the development above is subject to application reference 9/2017/0349 which has been permitted for:

up to 1,100 dwellings an extra care facility, a local centre comprising: a small supermarket with a floorspace not exceeding 1000 sqm (net); a smaller retail unit with a total floorspace not exceeding 200sqm (net); a cafe/restaurant with a floorspace not exceeding 200 sqm (net); a public house with a floorspace not exceeding 650 sqm (net); a doctors surgery or crèche; and a community facility, as well as a primary school together with associated playing fields and the provision of associated infrastructure (including roads, footpaths, cycleways, sustainable urban drainage and open space).

DMPA/2021/0203 – New House Farm, Old Etwall Road, Mickleover, DE3 0AE



THE SITE



South
Derbyshire
District Council

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South Derbyshire District Council. LA 100019461.2020

These developments almost encircle the northern part of the application site with residential properties which have been completed. The units are located Darwen Close and Harper Drive.

Condition 4 attached to permission 9/2017/0349 seeks details of a cycleway to be provided along Old Etwall Road. There is currently an application reference DMPA/2022/0081 seeking the removal of the condition and therefore the provision of a cycleway along Old Etwall Road.

To the north, the recently built out Darwen Close connects to the application site, which provides a direct vehicular and pedestrian connection into the site. Old Etwall Road provides access into the site from the east, from the junction with Ladybank Road (within the boundary of Derby City Council). Old Etwall Road also provides access to Bakum House which provides office accommodation and parking to a local business (GNT UK).

The site is located within Flood Zone 1. There is a pond adjacent to the site associated with Bakum House which is noted for low level risk of surface water flooding.

There is dense tree planting along the southern and northern boundary of the site specifically adjacent to Old Etwall Road. The trees to the north of Old Etwall Road are all under a Tree Preservation Order (TPO), there are individual trees on the boundary with Bakum House that are also under a TPO and lastly there is a further lone tree in the centre of the site which is also under a TPO. The trees screen the site from the A516.

New House Farm and associated barns were listed as a heritage asset during the determination of this application. The submission of an application for the listing of the buildings at New House Farm to Historic England was made in March 2021. Following the application, the farmhouse and barns were designated as Grade II Listed Buildings on 30 April 2021. The more modern outbuildings to the north and west of the Farmhouse were not listed. The farmstead is a u-shape building with an enclosed yard open to the south, with the farmhouse at its centre. The farmhouse is of brick construction rendered in white stucco and with a slate roof. The building is three storeys high dropping to two at the western service end of the building. The interior of the building has been subject to relatively modern alterations throughout which has included the almost complete replacement of the roof in the 20th century along with the installation of modern fireplaces and surrounds in the main rooms. At the rear of the farmhouse on the north facing elevation there are 20th century extensions which contain modern bathrooms with a modern conservatory extension.

Adjoining the farmhouse at its western end and extending southwards is a two-storey red-brick built barn. The exterior western elevation of the barn has been subject to an amount of relatively modern alteration and repair whilst the roof structure has been replaced with a modern steel framed structure. Its former use as a grain-store evidenced by a winch or hoist in-situ on the first floor of the building, whilst on the ground floor iron stabling with feeding baskets and decorative finials dating from the 19th century are present. The exterior of the building is in a relatively poor state of structural repair generally with areas of eroded brickwork following the loss of the brick facing.

At the east end of the farmhouse the eastern single storey barn extends southwards parallel to the west barn to form the U-shaped plan of the 17th/19th century farmstead. The barn is of red brick construction with several rudimentary modern skylights inserted in the roof.

There is a brick wall with brick piers and gates run along Old Etwall Road, to the south of both yards. The farmhouse is understood to date from the late 17th/ early 18th century. The earliest record of New House Farm dates from a survey of 1767.

Historic England's listing is provided in full at Appendix A of this report.

Beyond New House Farm, the site is not located within a conservation area, nor within the setting of any surrounding listed or locally listed assets.

The site is deemed to have good access to the surrounding urban area of Mickleover and given the proximity of the A516 the wider area, including Derby City. Mickleover is served by a regular bus service. The nearest stops can be located on Etwall Road, approximately a 5 minute walk away from the site, and Ladybank Road, approximately a 6 minute walk away from the site. Further to this, there are local amenities including shops and community centre approximately 500m east of the site as the crow flies.

There is a range of open spaces located within close proximity to the site including those being delivered by the developments to the north and west of the site and also existing provision across Ladybank Road to the east of the site.

The Proposal

The details below outline the extent of works sought in both applications.

The applications seek full planning permission and listed building consent for the conversion of the existing farmhouse and associated barns into 6 dwellings and the erection of 37 new dwellings with access, parking and associated works on land to the North and South of Old Etwall Road Mickleover Derby (43 dwellings in total). The proposals retain the listed building but remove the existing 20th Century rear additions to the Farmhouse and demolish the wider modern ancillary buildings to the north and west of the listed building to provide housing.

Through ongoing negotiation with Officers, the proposal has been significantly amended to now:

- Retain and reduce the number of dwellings proposed in New House Farm
- Reduce the number of the proposed residential units
- Provide a compliant amount of affordable housing with an option of First Homes
- Increased amount of public space with provision for play/fitness apparatus
- Provision of wider connections through the east/west and north/south improving permeability in the area.

The development descriptions are as follows:

DMPA/2021/0203

The conversion of existing farmhouse and associated barns into 6 dwellings and the erection of 37 new dwellings with access, parking and associated works on land to the North and South of Old Etwall Road Mickleover Derby (43 dwellings in total)

DMPA/2021/1482

Listed building consent for various works for the conversion of the farmhouse and barns (grade II listed building) into 6 dwellings with parking, access and associated works

The proposal includes a mixture of 1 to 4 bedroomed properties presented in various vernacular styles.

Housing Type	Total Proposed	Proposed Split		Total
		Market	Affordable	
1 bedroom	2	-	2	2 (5%)
2 bedroom	7	2	5	7 (16%)
3 bedroom	22	17	5	22 (51%)

4 bedroom	12	12	-	12 (28%)
Total	43	31	12	43 (100%)
		72%	28%	

New House Farm and barns are proposed to be converted into a range of dwellings as follows:

- 1 x 2bedroom
- 2 x 3bedroom
- 3 x 4bedroom

The arrangement of the Farmhouse and Barns as U shaped remains and the proposal does not compromise the historic footprint of the buildings. Internally, the quantum and bedroom sizes are considered to reflect how best to retain and maintain the listed asset features and original breaks in the buildings. The front garden space and historic enclosing boundary treatment remains. Each unit is provided with amenity space and parking which provides a sympathetic buffer around the asset.

The affordable housing totals 12 units all located within the southern part of the site away from the listed building. The 12 units are provided across a range of tenures and typologies, to best address need, as follows:

- 2 x 1bedroom
- 5 x 2bedroom
- 5 x 3bedroom

Applicant's Supporting Information

The application has been supported by a range of documents set out and summarised below:

Architects Drawings

2270-03-F-Coloured Site Layout.
 2270-03-G-Site Layout
 2270-03-Site Layout + Fire Hose Tracking
 2270-04-01-D-Surface Materials Layout
 2270-04-02-C-Building Materials Layout
 2270-05-B-Boundary Treatment Layout
 2270-11-C-Streetscenes
 2270-12-C-Visuals
 2270-13-Visuals Rev A
 2270-14-Visuals Rev A
 2270-15-A-REFUSE STRATEGY

Barn Refurbishment

2270-38-Refurb 20
 2270-39-Refurb 20
 2270-40-Refurb 20

Affordable Dwellings

AH-1-609
 AH-2-757A

AH-3-915

Dwellings on south of site

H-4-1321-MORGAN-FORMAL STYLE 2
H-3-1004-COMBER-FORMAL
H-3-978-CARDEW-FORMAL STYLE 2
H-4-1321-GARDENER-FORMAL STYLE 2
H-3-1440 HORNE - FORMAL STYLE 2
H-3-1443-HEYWOOD - FORMAL STYLE 2
H-4-1710 KIPLING - FORMAL STYLE 2
H-5-2167-THE STANSFIELD

Dwellings around Listed Asset

Plots 7-9 - 1201-1085-1244
Plots 10-12 - 1201-1085-1244
Plots 13-15 - 755-915-915
Plots 16-18 - 1085-1085-1201
Plots 19-20 - 1244-1201

Garages

Garage plans 2270-DGAR-10
Garage plans 2270-DGAR-13
Single Garage Plans 2270-SGAR-3

Landscaping

22-116-P-01B - Detailed Landscape Proposals (1of4)
22-116-P-02B - Detailed Landscape Proposals (2of4)
22-116-P-03B - Detailed Landscape Proposals (3of4)
22-116-P-04B - Detailed Landscape Proposals (4of4)

Other Documents

Design and Access Statement October 2022
Trees - HTL17124 Mickleover Rev A
FRA - 19060 221006 FRA With Appendices
Ecology - RSE_6286_L1_V1
Noise - 12815.04.v1 Old Etwall Road, Mickleover, Derby
Drainage Strategy - 19060 010G Drainage Strategy
Heritage - CE-MO-1539 -RP01 - v3.0_reduced
Existing Buildings Survey E2552-01
Existing Buildings Survey E2552-02
Existing Buildings Survey F2552-01A
Gas Letter DC/GML18262/GL1
FRA - 19060 221006 FRA With Appendices
Phase I and II Geo-Environment Part 1 GML18262
Phase 1 and II Geo-Environmental statement Appendix GML18262
Highways - FW DMPA20210203 - New House Farm Old Etwall Road Mickleover

Summary of Recommendations

The recommendations of this report are to APPROVE both applications:

DMPA/2021/0203

The conversion of existing farmhouse and associated barns into 6 dwellings and the erection of 37 new dwellings with access, parking and associated works on land to the North and South of Old Etwall Road Mickleover Derby (43 dwellings in total)

DMPA/2021/1482

Listed building consent for various works for the conversion of the farmhouse and barns (grade II listed building) into 6 dwellings with parking, access and associated works

Subject to conditions and legal agreement.

Publication and Consultation

The applications were publicised via three rounds of consultation running as set out below. The reasons for the re-consultations were that the proposals have been significantly amended during the determination of the application.

- 24th February 2021 until 26th March 2021
- 22nd October 2021 until 12th November 2021
- 17th November 2022 until 9th December 2022
- 9th January 2023 until 19th January 2023

During these periods letters were sent to neighbours and a site notice and press notice publicised the application initially. On this basis, the application is considered to have been publicised in accordance with national and local legislation on consultation.

The applications have received numerous responses which can be broken down with final positions from external parties and wider SDDC departments provided verbatim as follows:

Derbyshire Ward Councillors – Objection and Comments

As Derby City Mickleover Ward councillors, we have the following concerns and comments:

- *The proposal warranted extensive pre-application discussions with Derby City Council and, to our knowledge, this was not carried out. Considering the complexities of this proposal in regard to highways and access and its retrospective impact on already agreed conditions of the New House Farm development (pedestrian and cycle access only). This would breach the agreed sustainable transport policy / conditions for the David Wilson / Barratts site.*
- *These significant concerns (and others) clearly require time for Derby City officers to consider and respond and this has not been afforded as it normally would be expected to be in the planning process. Residents were also not consulted prior to the application notice and formal statutory consultation period. Considering the significance of elements of this application, this is unacceptable.*
- *This housing site is not agreed or identified in any local development plan (Derby City or SDDC) as a 'preferred' site for development. It is an unnecessary loss of a natural open space / woodland and not required to meet currently agreed local housing supply. Furthermore, Mickleover has already accepted more than its fair share of developments and reached its limit in terms of impact on local infrastructure and services. Mitigation from this point, following the extensive planning permissions to the West, North West and North of Mickleover, becomes unviable.*
- *The proposed access on to Ladybank Road is not currently used and, in the past, only served as access for a single property. It is located directly off a busy island with a 40mph speed limit on a blind bend, close to two other residential junctions (Mickleover*

Manor and Paxton Close) which presents very significant highways safety and viability issues.

- The access in question has been already been agreed as the location for a pedestrian and cycles only route as part of the New House Farm development, A signalled pedestrian and cycle crossing has also been agreed as part of the sustainable infrastructure highways improvements from that development. This application retrospectively voids that agreed planning application and conditions.*
- Should these significant areas of concern be dismissed, it is imperative, by condition of any planning permission, that any question of a future submission to allow vehicle access between the two split dwelling sites detailed in is application be negated. This will remove the possibility of wholesale access for a great number of New House Farm dwellings directly via Ladybank Road.*
- This could be conditioned by tree planting with preservation orders attached for example, and not rely on bollards / narrowing that could be easily removed at a future date.*
- We strongly object to the lack of residents consultation for the proposal consider its close proximity to existing dwellings and significance in regard to the above points. In summary; we understand and support the need for safe and suitable environments for care to be offered in Derby to those with complex and challenging needs, but in this particular case, the location chosen is not suitable.*
- In light of the lack of pre-consultation and timeframes and reliance on the statutory consultation period, we also request that comments and submissions regarding this application be accepted prior to planning committee. Further detail is likely to arise via Derby City planning officer responses that are not available for us to consider at this time.*
- A ward councillor would like to speak at the planning committee.*

Burnaston Parish Council

No objection

Environmental Health Officer

No objection subject to conditions

Reasons for recommendation:

Thank you for the recent consultation on this planning application.

I have considered this application in relation to the potential air quality, noise, odour, land contamination, environmental lighting and waste water disposal impact. I have also read the relevant technical reports submitted in support of the application.

In my opinion, the key potential environmental impacts of the development are;

- 1. The potential exposure of new sensitive receptors associated with the development to existing sources of noise;*
- 2. The potential exposure of existing receptors / new receptors associated with the development to existing sources of land contamination;*
- 3. The impact of the proposed development on local air quality:*

I am satisfied that the impacts of the proposed development will be acceptable in planning policy terms provided that the following conditions be attached;

Noise

The amenity of the proposed new residential use will need to adequately protected from the

existing noise sources near to the proposed development.

The noise mitigation measures described in the Noise Assess report ('The Noise Report') reference 12815.03.v1 dated December 2021 shall be implemented in full prior to the occupancy of the individual residential unit to which the mitigation measure relates:

The boundary fence treatment shall be in accordance with para 4.4. and 4.5 of the Noise Report

Roof construction shall be in accordance with para 4.10 and 4.11 of the Noise Report.

Glazing and ventilation specifications shall be in accordance with para 4.12 to 4.15 of the Noise Report.

Reason: To protect those living in the dwellings from traffic or other external noise sources, in accordance with local planning policy SD1.

Air Quality

Recharge points for electric vehicles shall be provided within the development to comply with the following criteria:

Residential

1 charging point shall be provided per unit (house with dedicated parking) 1 charging point for every 10 parking spaces (this may be phased with 5% provision initially and a further 5% trigger) 1 charging point for every 10 parking spaces (this may be phased with 5% provision initially and a further 5% trigger) 1 charging point per 10 spaces where the individual units have no allocated parking To prepare for increased demand in future years, appropriate cable provision should be included in scheme design and development in agreement with the local authority. Residential charging points shall be provided with an IP65 rated domestic socket 13amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. This socket should be located where it can later be changed to a 32amp EVCP. Non-residential charging points shall be supplied by an independent 32 amp radial circuit and equipped with a type 2, mode 3, 7-pin socket conforming to IEC62196-2. Alternative provision to this specification must be approved in writing, by the local planning authority The electric vehicle charging points shall be provided in accordance with the stated criteria prior to occupation and shall be maintained for the life of the approved development.

Reason: In order to safeguard the amenities of the occupiers of the proposed development in respect of atmospheric pollution in compliance with the South Derbyshire Design SPD & policy BNE1.

Sustainable Transport

A welcome pack shall be provided for all new occupiers of the development which shall contain information and advice about reducing travel behaviour which will reduce air pollution. The welcome pack shall contain information promoting local walking, cycling, public transport and car-sharing opportunities. The contents of the welcome pack shall be submitted to and agreed by the local planning authority.

Reason: In order to safeguard the amenities of the occupiers of the proposed development in respect of atmospheric pollution in compliance with the South Derbyshire Design SPD & policy BNE1.

Land Quality

The contents of the Phase I and II Geo-environmental Investigation from Geomatters Ltd ref GML18262/2/0 dated Sept 2019 are noted and in particular the contents of Section 12 (Recommendations).

The development hereby permitted shall not begin until a scheme to deal with contamination of land & ground gas has been submitted to and approved in writing by the local planning authority. The scheme shall include all of the following measures, unless the local planning

authority dispenses with any such requirement specifically in writing:

1. A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation shall be stated, and how this will be validated. Any ongoing monitoring shall also be determined.

2. 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.

3. 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, in accordance with local planning policy SD4.

Construction Phase

I would recommend that a Construction Environmental Management Plan be submitted for approval in writing by this authority to include appropriate and proportionate measures to prevent noise, dust and air emissions during the demolition and construction phases of the development if planning permission is approved.

Reason: In order to safeguard the amenities of the occupiers of the proposed development in respect of atmospheric pollution in compliance with the South Derbyshire Design SPD & policy BNE1.

Recommended advisories (if relevant, including how to overcome any objection):

In order to achieve carbon neutrality, I would strongly encourage the developer to consider the installation of non-fossil fuel or low carbon heating systems.

Open Spaces and Landscaping

No objection subject to provision of on site open space and wider contributions

The attached layout shows this and a plan providing details of the equipment to be installed on the trim trail. POS site area is specified in the key:

- POS – 3132sqmetres (excluding pond)
- Woodland Amenity Area – 1021 sqmetres

Further to this the applicant agrees to financial contribution of £15,964 towards the provision of off-site recreation- built facilities, and a contribution of £28,600 towards off-site Outdoor Recreation Provision.

The introduction of fitness equipment would appeal and serve a wider community and the items selected chosen well can ensure inclusivity. It would also fit in well with providing green gyms, health & wellbeing for all age groups

The other factor to consider is timber agility equipment can be prone to rotting in the ground, and generally would have a shorter lifespan as opposed to other types of equipment.

Please raise the concern of installing child proof fencing along the perimeter of the Suds feature to the footpath

Planning Policy

No objection/comments

Given the similar proximity of the development to established services and facilities in the surrounding area, I think it can be accepted that the spatial sustainability of the southern part

of the site is comparable to that of the allocated area to the north. The proximity of the A516 would suggest a need to address amenity considerations subject to the views of Environmental Health.

In regard to the above application, I have reviewed the most recently submitted material. I note the changes that have been made to the proposals since they were first submitted and have nothing further to add to the original planning policy comments, dated 25 March 2021.

Strategic Housing

No objection subject to Legal Agreement securing affordable housing.

Derbyshire County Council Highway Authority

No adoptable roads / comments

Derbyshire County Council: Archaeology

No objection subject to conditions.

A revised heritage assessment has been provided which by and large addresses the previous comments regarding the map regression and assessment of setting, although there is still some confusion e.g. regarding the date of the farmhouse (it is repeatedly described as 18th century when the listing description suggests 17th century origins). Nevertheless I feel that we have 'just enough' to make recommendations in the spirit of NPPF para 194.

On the setting of the Listed Building and the detail of the conversion proposals please be guided by your Conservation Officer.

Should you be minded to grant consent for the proposals then there would be a requirement under NPPF para 205 for formal recording of the historic buildings in advance of conversion, for some further in-conversion buildings 'watching brief' where there is potential to answer specific questions, and – given the early origins – for archaeological watching brief on below-ground works within the farmstead itself (sub-floor excavations within the buildings and drainage, services, landscaping etc outside). The following conditions should therefore be attached to any planning consent:

a) No development shall take place until a Written Scheme of Investigation for historic building recording and archaeological monitoring has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and

- 1. The programme and methodology of site investigation and recording*
- 2. The programme for post investigation assessment*
- 3. Provision to be made for analysis of the site investigation and recording*
- 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation*
- 5. Provision to be made for archive deposition of the analysis and records of the site investigation*
- 6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation"*

"b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a)."

"c) The development shall not be occupied until the site investigation and post investigation

reporting has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for publication and dissemination of results and archive deposition has been secured."

Derbyshire County Council: Development Management

No objection subject to condition

I refer to the revisions to the full application for residential development for 56 dwellings on land at New House Farm, Mickleover submitted in December 2021. It is noted that 25 of the proposed dwellings are intended to be accessed from Ladybank Road, via an existing access road in Derby City. A full application for the formation of a new footway/ cycleway is currently being considered by the City Council to serve this proposed development (21/02180/FUL). Further investigations have been done by our Highway Officers to assess the impacts on highway safety of the increased use of the access road onto Ladybank Road. The existing access road currently does not have a collision problem and the visibility splays in relation to the recorded speeds meet current visibility standards. However, the width of Old Etwall Road is not of a modern standard and there is currently no footway that links New House Farm development to the wider highway network.

As such, the City Council requests that, if minded to grant planning permission, the suggested planning conditions are included to improve the access road based on the scheme agreed with the City Council's highway authority and the applicant. The improvement works to the access road must be carried out before the occupation of any dwellings on the development, which would use the access road and no more than 25 dwellings on the development may be accessed from Ladybank Road. A suitable mechanism will be needed to be in place to control such.

Derbyshire County Council: Local Lead Flood Authority

No Objection subject to conditions.

The LLFA has no objection subject to the conditions below.

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. Flood Risk Assessment and Drainage Strategy prepared by Travis Baker Limited, Ref: 19060 Dated 26/01/2021 including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team*
 - b. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015), 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.*

Prior to commencement of the development, the applicant shall submit for approval to the LPA 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 LPA, 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.

The attenuation pond should not be brought into use until such a time as it is fully designed and constructed in line with CIRIA SuDS manual C753 and an associated management and maintenance plan, in line with CIRIA SuDS Manual C753 is submitted to and approved in writing by the Local Planning Authority

Reason: To ensure that the proposed attenuation pond does not increase flood risk, that the principles of sustainable drainage are incorporated into the proposal, the system is operational prior to first use and that maintenance and management of the sustainable drainage systems is secured for the future.

Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Reason: To ensure that the drainage system is constructed to the national Non-statutory technical standards for sustainable drainage and CIRIA standards C753.

Derbyshire County Council: Planning Policy

No objection subject to contributions to education and infrastructure.

Thank you for your consultation dated 17 November 2022 in respect of the implications for the provision of strategic infrastructure and services which are the responsibility of the County Council arising from the above proposed development. This response is in accordance with the National Planning Policy Framework (NPPF) and the County Council's Developer Contributions Protocol.

I note that the County Council previously responded to this application on the 09 April 2021.

Local Member Comments

The local County Councillor Ford has been consulted for his views on the potential infrastructure requirements that may require contributions from developers. At the time of writing, no comments have been received with regard to items covered in this response, however, I will forward any relevant comments received at a later date for your consideration. With regard to any highways issues, the County Council's highways response as a statutory consultee offers impartial technical analysis as Highway Authority and is provided under delegated powers. Comments received from the Local Member regarding highway related matters will always be considered by officers, however it is not always possible to incorporate these into the Highways statutory technical response. Members may therefore provide direct responses to the Local Planning Authority in their role as a County Council community representative.

Officer Comments

The information provided below is based on the application consultation details as provided by the District Council. In the absence of a Community Infrastructure Levy, financial contributions will be secured via Section 106 planning obligations.

CIL Compliance/ Use of Funding

Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the 3 statutory tests as set out in the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and in paragraph 56 of the NPPF; they are

- necessary to make the development acceptable in planning terms,*

- *directly related to the development, and*
- *fairly and reasonably related in scale and kind.*

The County Council will only seek planning obligations where they accord with the CIL Regulations and relevant planning policies. All consultation responses will be in line with the Developer Contributions Protocol.

Amendments to the CIL Regulations which came into force on 1st September 2019 have deleted Regulation 123 which governed pooling and therefore the County Council no longer needs to provide evidence to ensure their request for contributions is in conformity with Regulation 123.

1) Education

The NPPF clearly sets out that the purpose of planning is to help achieve sustainable development, with paragraph 95 of the NPPF (2021) stating:

'It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement and to development that will widen choice in education They should:

a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and

b) work with schools' promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted'

Whilst education provision is a statutory function of the County Council, and the Government provides funding to address natural demographic growth, it does not provide monies to accommodate additional pupils generated as a result of new housing development as a matter of course.

Assessing the Proposed Development

The County Council has a statutory duty to make education provision available for each young person and elects where possible to provide a school place for each child at their normal area school. This duty applies across all schools and includes Academies. The number of places at the normal area school is assessed through a system provided by the Department of Education which produces a net capacity. The number on roll at a school reflects the number of pupils attending the school, and the difference between the net capacity and the number on roll is the number of places available or not available to accommodate future requests for places. Pupil numbers are calculated looking at the five year projection of numbers on roll based on birth rates. This projection does NOT include the impact of any new housing with planning permission or allocated in local plans. The pupil yield from approved planning applications in the normal area of the school is then added.

The number of pupils that the development is expected to generate is calculated using the formula that for every 100 dwellings there will be 24 primary, 20 secondary and 8 post- 16 pupils. This formula is based on a statistical assessment of birth rate and housing occupancy data in Derbyshire using information from the 2011 census. In calculating the pupil yields one-person households have been omitted. This reflects the fact that one bedroom dwellings are omitted from the assessments of need contained in consultation responses. The pupil yield employed in the SEND assessment reflects the proportion of Derbyshire pupils being educated within Special Schools as well as Enhanced Resources within mainstream schools.

The requirement for financial contributions towards education provision is therefore based on the normal area school's net capacity, projected pupil numbers on roll over the next five years and the impact of all major residential development with extant planning permissions within the normal area of a school to assess the effect that committed development coming forward will

have on school capacity.

The level of contribution required is fair and reasonable in scale and kind and is determined using multipliers provided by the Department for Education based on their analysis of building costs per pupil adjusted to reflect regional variations in costs. These multipliers are revised annually in line with building cost inflation using the Building Cost Information Service All in Tender Price Index. The thresholds and level of contribution required is set out below.

2022/23 Level of Contributions

Primary Level

The proposed development falls within and directly relates to the normal area of Etwall Primary School. The proposed development of 43 (discounting 2 one bed) dwellings would generate the need to provide for an additional 10 pupils. Etwall Primary School has a net capacity for 315 pupils, with 294 pupils currently on roll. The number of pupils on roll is projected to increase during the next five years to 359. An evaluation of recently approved major residential developments within the normal area of Etwall Primary School shows no new development, amounting to no additional primary pupils.

Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area primary school would not have sufficient capacity to accommodate the 10 primary pupils arising from the proposed development.

Secondary Level

The proposed development falls within and directly relates to the normal area of John Port Spencer Academy. The proposed development of 43 (discounting 2 one bed) dwellings would generate the need to provide for an additional 11 secondary with post16 pupils. John Port Spencer Academy has a net capacity for 2070 pupils with 1972 pupils currently on roll. The number of pupils on roll is projected to increase to 2015 during the next five years. An evaluation of recently approved major residential developments within the normal area of John Port Spencer Academy shows new development totalling 440 dwellings, amounting to an additional 123 secondary with post16 pupils. Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area secondary school would not have sufficient capacity to accommodate the 11 secondary with post 16 pupils arising from the proposed development.

Mitigation

The above analysis indicates that there would be a need to mitigate the impact of the proposed development on school places in order to make the development acceptable in planning terms. The County Council therefore requests financial contributions as follows:

- £181,655.50 towards the provision of 10 Primary places at Etwall Primary School + additional education facilities.*
- £308,363.77 towards the provision of 11 Secondary places at John Port Spencer Academy + additional education facilities.*

Due to the continued high development, demand and the proposal of new primary and secondary schools within the area we would request that the primary contribution be considered towards the provision of the new school or Etwall Primary School, for secondary a contribution be considered towards the provision of the new school or John Port Spencer Academy to be agreed between the District, Developer and DCC. The above is based on current demographics which can change over time and therefore the County Council would wish to be consulted on any amendments to a planning application or further applications for this site. Should it emerge that there are viability issues associated with the proposals in the

above planning application and the District Council is in agreement with the applicant's financial appraisal, there may be some flexibility in the payment triggers. The full contribution, however, would still be required to fully mitigate the impact that the proposed development would have on the normal area primary school and secondary schools. The County Council requests that its officers are also party to any further negotiations on developer contributions. If there is insufficient capacity to accommodate the increase in pupils forecast to be generated by this proposed development and the development itself cannot enable the necessary provision, the County Council wishes to highlight that the proposed development may not provide for a sustainable form of development.

2) Broadband

Investment in the County's broadband infrastructure, to support the future economic prosperity of the county, continues to be a priority for the County Council. The Digital Derbyshire programme is a partnership between Derbyshire County Council and Openreach to provide access to NGA fibre broadband services for residents and businesses. The Council's ambition is that 98% of homes and businesses in Derbyshire will be able to access speeds of at least 24 Mbps by the end of 2020. The Digital Derbyshire programme applies to existing households and businesses. New residential developments coming forward will not necessarily be covered by the Digital Derbyshire programme. Therefore, all developers proposing housing developments should look to provide for NGA broadband infrastructure and services as part of the design of their development schemes at the outset.

It is not expected that the County Council will require fibre-based broadband to be provided to make a development acceptable in planning terms, however developers should look to provide for NGA broadband infrastructure services as an integral part of the development scheme at the outset.

Mitigation

Local Planning Authorities should attach advisory notes to planning permissions to request that developers work with broadband providers to ensure NGA broadband services are incorporated as part of the design of new development. However, if it can be shown that this would not be possible, practical or economically viable, in such circumstances, suitable ducting should be provided within the site and to the property to facilitate future installation.

Guidance on the characteristics of qualifying NGA technologies is available from The Department for Digital, Culture, Media and Sport

3) Local Authority Collected Waste

Government legislation is focused on the prevention and minimisation of waste, maximising re-use and recycling and diverting waste from landfill. Derbyshire County Council as a Waste Disposal Authority has a statutory duty under the Environmental Protection Act 1990 to offer facilities to local residents where they may deposit their household waste. New developments should be provided with a convenient means of waste management, including access to a Household Waste Recycling Centre (HWRC) offering suitable facilities for re-use, recycling and disposal. New residential development in Derbyshire can be expected to generate an increase in the overall amount of household waste and depending on the size of the development this can have a varying impact on the existing local HWRC network. Where it is expected that new housing development will generate a need for additional provision, funding through developer contributions will be expected to help provide the necessary additional capacity. The County Council is currently reviewing its approach to assessing the impact of housing development on waste services.

4) Waste Management

According to the records currently available to Waste Management, the application site is not on or within 250m of a former landfill site owned by, operated by or licensed by Derbyshire County Council.

5) Employment and Skills

The Employment and Skills Strategy is an important part of Derbyshire County Council's approach to delivering economic prosperity across the county. The County Council is keen to ensure it fulfils its statutory responsibilities around supporting young people, disadvantaged adults and the wider workforce into suitable, sustained employment. A range of agencies across the public sector are actively working to deliver employment and skills activity in Derbyshire, and the County Council wishes to help facilitate stronger partnership working and driving more cohesive action on skills and employment across the county. The County Council would wish to work collaboratively to support the District/Borough Councils to identify where activities or contributions are required to deliver employment and skills development where they are supported by policies in the local plan.

6) Monitoring fees

In line with the revised Community Infrastructure Levy Regulations 2010 (as amended) Regulation 122 2(a), the County Council will seek a monitoring fee towards the monitoring and reporting of S106 contributions. The fee will be based on the cumulative number of triggers to be monitored for County Council obligations x £73.50 (based on 2 hours officer time Grade 12).

7) Other Information

Please note that a separate response may be provided by:

The Highways Development Control Team in its role as the Highway Authority. This response will cover Public Rights of Way and Greenways where relevant.

The County Council wishes to support development which constitutes sustainable growth and requests that the required contributions as set out above, or ones subsequently agreed through negotiation, and the reasons why they are necessary be included in the officer's report considered by your authority's relevant committee or under delegated powers as appropriate.

The County Council would wish to be a signatory on any legal agreements containing planning obligations that relate to County Council infrastructure and services.

Derbyshire NHS CCG

No objection subject to contributions to healthcare

Impact of new development on GP practice

The development is proposing 43 (A) dwellings which based on the average household size of 2.5 per dwelling and assuming 100% of the new population would come into this area for primary care health provision would result in an increased patient population of approx 107.5 (B) (2.5 x A).

The calculation below shows the likely impact of the new population in terms of number of additional consultations. This is based on the Dept. of Health calculation in HBN11-01: Facilities for Primary and Community Care Services.

GP practice most likely to be affected by growth and therefore directly related to the housing development

It is unlikely that NHS England or NHS Derby and Derbyshire CCG would support a new single handed GP development as the solution to sustainably meet the needs of the housing development and that the health contribution would ideally be invested in enhancing

capacity/infrastructure with existing local practices. The closest practices to this development are;

- Mickleover Medical Centre
- Mickleover Surgery
- Hollybrook Medical Centre

Necessary to make the development acceptable in planning terms

We would like to discuss the potential for S106 funding to be used as a contribution to the capital investment needed to increase clinical capacity in the Mickleover area, The Derby and Derbyshire CCG Primary Care Estates Strategy has identified Mickleover, Mackwork and the surrounding area as a priority, and with pressure coming recent and planned housing developments.

Facilities are already fully utilised over-utilised with limited/no capacity to absorb additional growth. Growth beyond current capacity may require a possible solution to be developed in the vicinity within 5 years which may take the form of one or more extensions to current premises or a new build.

Plans to address capacity issues

The amount requested is proportionate to the scale of the housing development proposed.

The CCG has undertaken a feasibility study in the Mickleover and Mackworth area and intends to commence work on an outline business case in 2021/22.

The GP practices in Mickleover have formed a Primary Care Network and are working closely with other NHS, Public Sector and Third sector partners therefore solutions may be broader than building a traditional GP practice, but with the same overall outcome aims of improving the health and wellbeing of the local population.

Fairly and reasonably related in scale and kind to the development.

The indicative size of the premises requirements has been calculated based on current typical sizes of new surgery projects factoring in a range of list sizes recognising economies of scale in larger practices. The cost per sq m has been identified by a quantity surveyor experienced in health care projects.

This is the cost of providing additional accommodation for 140 (B) patients: £38,700.00 in the Mickleover and Mackworth area.

Derbyshire Wildlife Trust

No objections subject to conditions.

We have previously responded to applications at this location on 23rd April 2021 and the 7th January 2022. The latest application has reduced the number of proposed dwellings from 56 to 43. Our initial comments reviewed the following ecology reports which were submitted in support of the application and remain relevant to this one;

Preliminary Ecological Appraisal and Daytime Bat Inspection Survey prepared by Quants Environmental dated October 2019

Bat Survey Report prepared by Quants Environmental dated September 2020

The preliminary ecological appraisal carried out on 2nd August 2019 identified the site to comprise a farm complex and a field of poor semi-improved grassland bordered by hedgerows. The development will result in the loss of the poor semi-improved grassland. This type of habitat does not have any nature conservation status, but it will be supporting a range of common and widespread species typical of this type of grassland. Mitigating and

compensating for the loss of the grassland is desirable to ensure that a measurable net gain is achieved. The landscaping scheme for the development therefore needs to include measures to enhance grassland and other habitats (see suggested condition below).

We fully support the recommendation for the retention of hedgerows and treelines within appropriate buffer zones as part of the scheme.

Bats

Due to evidence of bats in several the farm buildings, a series of dusk emergence and dawn re-entry surveys were carried out between 15th July and 24th August 2020 in accordance with current best practice guidelines. The comprehensive nature of the bat survey work provided a robust assessment of the level of bat activity associated with the site at that time.

The series of surveys confirmed the presence of five common pipistrelle bat roosts and three brown long-eared bat roosts at the site. Six buildings on site were confirmed to support bat roosts including B1, B2, B4, B5, B7 and B8.

On the basis of the submitted information, we advise that the proposed development will affect bats through disturbance of a European Protected Species and the destruction of a resting place. All species of bats are European Protected Species and a licence is required in order to carry out any works that involve disturbance to the animals or destruction of their resting place. The report rightly states that a Natural England licence will be required for the development to proceed without committing an offence.

Appropriate broad bat mitigation and compensatory measures are provided in section 4.3.3 of the Bat Survey Report. However, these will need to be updated to take account of any changes resulting from the change to the development proposal.

I note that the bat report is now over two years old. However, given that the surveys have already established that buildings B1, B2, B4, B5, B7 and B8 support bat roosts and that the mitigation proposed is unlikely to change significantly, I do not consider it necessary to request the updated bat surveys prior to determination of the application. It should be noted, though, that Natural England will require updated surveys from the most recent bat survey season to support the European Protected Species Mitigation (EPSM) Licence application. No development affecting any of the buildings listed above can start until the surveys have been completed and a licence secured.

As the works will need to be undertaken under a Natural England licence to derogate from the offence of destruction of a bat roost, we advise the Council that in reaching a decision the Council should demonstrate how the three tests set out at Regulation 55 of the Conservation of Habitats and Species Regulations 2017 have been considered, and state the evidence for conclusions drawn on each test as to whether the test can be met. The three tests set out within Regulation 55 are as follows:

(i) The action will be undertaken for the purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment (Regulation 55(2)(e))

(ii) That there is no satisfactory alternative (Regulation 55(9)(a))

(iii) That the action will not be detrimental to the maintenance of the population of the species concerned at favourable conservation status in their natural range (Regulation 55(9)(b))

While we are unable to advise on the first two “non-ecology” tests, we would advise that based on the proposed mitigation and compensation measures detailed in the Bat Survey Report prepared by Quants Environmental dated September 2020 it is likely that the favourable conservation status of the local bat population will be maintained and, as such, test (iii) will be met.

Great crested newts

Based on the submitted information, we concur that great crested newts should not present a

constraint to the proposed development.

Birds

Swallow nests were recorded in several the buildings. We fully support the recommendations in section 5.5.2 of the preliminary ecological appraisal for timing of works to avoid the bird breeding season and the provision of alternative nesting opportunities for swallows.

Biodiversity enhancement

We broadly support the biodiversity enhancement recommendations detailed in section 4.4 of the Bat Survey Report to include the installation of a range of integrated bat and bird boxes for species including swift and starling. With regard to the provision of bird boxes the newly published British Standard (BS 42021:2022 Integral nest boxes – Selection and installation for new developments) provides specifications on the number and type of integral boxes that should be sought within new developments.

For example:

1. To provide new and enhanced opportunities for nesting, the number of integral nest boxes on new residential developments shall at least equal the number of dwellings, i.e. the ratio of integral nest boxes to dwellings is 1:1.

2. External nest boxes are additional to the installation of integral nest boxes on new developments and should not be included as part of the 1:1 ratio. This is also supported by the National House Building Council Foundation, the standard-setting body for new homes:

“Section 8.1 Nest sites for birds (page 42): "Provision of integral nest sites for swifts is through hollow chambers fitted into the fabric of a building while in construction. Although targeting swifts they will also be used by house sparrows, tits and starlings so are considered a ‘universal brick’”

These measures have to some extent been incorporated within the landscaping scheme shown on the Soft Landscape Proposals drawing GL1502 01 but should be updated as part of a Landscape and Ecology Management Plan (LEMP) which should be secured by a planning condition (see below).

Measures to benefit hedgehog should also be incorporated into the design of the development and are included within the suggested LEMP condition below.

Conclusions

The proposed development does not impact on any statutory or non-statutory designated sites for nature conservation or affect any Habitats of Principal Importance. There is a small loss of species poor grassland which should be addressed through appropriate enhancements as part of the landscaping and creation of green spaces. Impacts on species have been assessed and where necessary mitigation and compensation measures have been proposed. I have identified some additional measures which should also be included. To ensure that impacts on habitats and species are fully addressed conditions are recommended below.

Recommendations and Conditions

Bats

The applicant is reminded that surveys will be required to update the information on roosting bats and that these will need to take place between May and August to provide Natural England with up to date and accurate information about the roosts.

The following condition is recommended:

“The development shall be carried out in accordance with the mitigation and compensation strategy detailed in section 4.3.3 of the Bat Survey Report prepared by Quants Environmental dated September 2020 unless varied by a European Protected Species licence subsequently issued by Natural England, a copy of which shall be submitted to the Local planning Authority. The agreed features for roosting bats shall be permanently installed in accordance with the approved details.”

Lighting

Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the LPA 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 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). Such approved measures will be implemented in full.

Breeding birds

The following condition is recommended:

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

Comments: The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

(Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is certain that nesting birds are not present).

Swallows

The following condition is recommended:

“No construction above foundations level shall commence until a scheme for the creation of suitable nesting sites for swallows along with a timetable for the provision of such measures, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.”

Biodiversity Enhancements

A condition is suggested below:

A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The LEMP should combine both the ecology and landscape disciplines and include the following:

- a) Description and evaluation of features to be created and managed including areas of wildflower grassland, flowering lawns, trees and shrubs*
- b) Locations of bat boxes and 37 integrated swift bricks in line with British Standard BS 42021:2022*
- c) Measures to maintain connectivity for hedgehogs shall be clearly shown on a plan (gaps 130 mm x 130 mm and/or railings and/or hedgerows).*
- d) Ecological trends and constraints on site that might influence management.*
- e) Aims and objectives of management.*
- f) Appropriate management options for achieving aims and objectives.*
- g) Prescriptions for management actions.*
- h) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).*
- i) Details of the body or organization responsible for implementation of the plan.*
- j) Ongoing monitoring visits, targets and remedial measures when conservation aims and*

objectives of the LEMP are not being met.

The LEMP 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.

It is hoped that the information provided is helpful to the Council. If you require any further information or wish to discuss any of the comments made, please do not hesitate to contact me.

Natural England

No comment.

Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. Natural England would encourage the incorporation of GI into this development.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones prior to consultation with Natural England.

Environment Agency

No objection.

We have reviewed the submitted documents and on this occasion the Environment Agency will not be making any formal comment on the submission for the following reason:

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. If, however, the proposal subsequently changes such that you feel that it may pose a significant environmental risk then please do not hesitate to contact us and we will be pleased to review our response.

National Forest Company

No comment

Severn Trent Water

No objection subject to confirmation of sewer adoption.

With reference to the above planning application the Company's observations regarding sewerage are as follows.

Foul is proposed to connect into a foul water sewer that is currently under adoption.

Surface water is proposed to connect into a surface water sewer that is currently under adoption.

At present our records show both of these sewers to be under adoption therefore would need approval from the current owner Barretts Homes, prior to sewer vestment. Post sewer vestment, these will be subject to a formal section 106 sewer connection approval.

For the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our Developer Services Team (Tel: 0800 707 6600).

Suggested Informative

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

Should you require any further information please contact us on email below.

Historic England

Objection insufficient information.

We refer you to our previous advice on the above applications provided on 17 November 2021. Historic England continues to object to the applications for listed building consent and planning permission because there is insufficient information to make a proper assessment of the impact of the proposed scheme on the significance of the listed building, as highlighted in our previous advice, and, whilst some proposed housing has been removed to the south of the listed farmhouse complex, the proposed scheme would still significantly erode the remaining rural setting of the listed building resulting in harm to its overall significance.

Recommendation

Historic England has concerns regarding the applications on heritage grounds. In determining these applications, you should bear in mind the statutory duty of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

If you are minded to consent the scheme in its present submitted form please treat this letter as an objection both in respect of Planning Consent and Listed Building Consent. Your authority should take these representations into account and seek amendments.

Conservation Officer – Support: Sufficient Information

For reference there have been the following meetings on site and on teams to enable the discussion of the proposals and inform the designs:

- *Site 24 March*
- *Teams 6 April*
- *Site 28 April*
- *Teams 23 May*
- *Site 11 August*
- *Teams 23 September*

I am aware of an objection to the applications, received from Historic England, dated January 2023. I wish to provide clarification on my previous assessment/consultation responses and reassure you that my view of the current application is to supportive of the Listed Building Consent and Planning Applications. I make no objection to the principle of the applications and wish to provide a recommendation for approval.

I disagree with the statement from Historic England that the application provides “insufficient information to make a proper assessment of the impact of the proposed scheme on the significance of the listed building, as highlighted in our previous advice, and, whilst some proposed housing has been removed to the south of the listed farmhouse complex, the proposed scheme would still significantly erode the remaining rural setting of the listed building resulting in harm to its overall significance.”

I will provide commentary in this consultation response to clarify my assessment and provide my reasons for support. I also confirm that my assessment is based on regular site visits and meetings with the application team. I consider the application to be thorough and responsive to suggestions made over the last 12 months.

I started in post at SDDC in January 2022 and was soon made aware of this application. In the past year, I have worked collaboratively with the applicant to develop a proposal that would provide positive enhancements to the Historic Environment, including the newly designated Heritage Assets. The applicant has responded to my suggestions throughout the process. I have required the applicant to pursue a bespoke approach to the site, which has required negotiation with the highest level of management of the development company. My requirements have impacted on the financial implications of the site for the developer (as has the new Listed status), and I wish to reassure you that I have guided the applicant to deliver an ambitious enhancement of the site.

The purpose of heritage designations is not to halt all change to the asset, but rather to provide a level of protection from loss. There is, with almost all assessments of heritage assets, a level of compromise to find a suitable outcome for all stakeholders. The best solution for most buildings is to maintain their original purpose. When that solution is no longer feasible, all buildings are best preserved where a suitable alternative use can be found. Occupation and reuse are required to prevent further decline. I think it is important to note in response to Historic England’s comment; that the rural setting of the site has already been eroded by previous development surrounding the heritage asset, prior to the Listed designation. There is no viable option for continued agricultural use. There is a risk that no ratification of a proposal for the site will result in harm to the condition and status.

There is an ideal level of protection, versus an economic solution. It is my assessment of the application that a suitable level of compromise has been made. The outcome will provide protection of the heritage assets and find a new use for a redundant site. It is important to note that the site is vacant and in a declining condition. If no solution is found for the site as part of this application, I will advise that the site is added to the Buildings at Risk Register.

Throughout the application process we have worked with the applicant to request changes to the proposal. In summary, they have responded with the following changes:

- *Maintained the farmhouse as one unit, including the front garden*

- Simplified the arrangement/subdivision of the outbuildings
- Embraced a minimum intervention approach to the adaptation of the heritage assets
- Incorporated a positive architectural language to ensure interpretation of new & old
- Adopted a palette of materials suitable for the historic setting
- Adapted the new development layout in the farmstead in response to my suggestions for arrangement that would best suit the heritage assets
- Reduced the number of units on the site
- Altered the arrangement of new build to ensure an open aspect from the farmhouse
- Provided a bespoke architectural solution
- Simplified the landscape architecture/public realm space to be inobtrusive to the historic setting

I think it is very important to emphasise that the new build elements of development in the farmstead are a complete deviation from the standard housing type for this housebuilder. A bespoke solution has been designed for this site to respond to the constraints of the site and its setting. The linear layout and architectural language provide clarity of the former use of the site, and importantly makes no attempt to deliver a pastiche 'barn conversion' appearance. Change to a Listed Building will inevitably result in a level of harm. As detailed above, a compromise is necessary to find a solution that meets the requirements of enhancement and protection, whilst providing a suitable and economic end use and appropriate condition. There is a level of harm to the fabric and to the setting of the heritage asset. I consider this level of harm to be medium-low; there will be alteration to the building fabric, new intervention, and removal of later extensions and built form. I weigh this level harm against the benefit of enhancement to the heritage asset; which I consider outweighs the level of harm.

I draw your attention to the Listed description; which as a new designation is more detailed than past Listings:

Newhouse Farm, a late-C17 lobby-entry farmhouse with barns and stabling from the C18/C19 is listed at Grade II for the following principal reasons:

Architectural interest:

** the farmhouse is likely to date to the late-C17 and clearly retains its lobby entry plan-form with three rooms on both the ground and first floor; * despite replacement windows and the loss of some fixtures, the farmhouse retains many of its internal fittings, including chamfered beams with ogee stops and a C19 linen cupboard; * despite the loss of the western barn's roof structure, it retains important fittings including a winch mechanism for hoisting grain and later C19 stabling.*

Historic interest:

** the legibility of the farmhouse's plan-form helps to demonstrate how its inhabitants used the building from the late-C17, with a hall, parlour and service end clearly legible; * the later phases of the farm, particularly the eastern barns enclosing the main courtyard, show the development and expansion of the farm into the C19.*

Group value:

** together the farmhouse and barns form a strong group enclosing a yard to their south, with brick boundary wall.*

I provide my final comment in response to the reasons for Listing, and my focus on maintaining this significance throughout all negotiations with the applicant. The reasons for Listing, the value and significance of the heritage assets has remained my focus throughout this process. The final submission does, in my view, provide a solution that results in less than substantial harm to the significance of the heritage assets, and in specific response:

- *The plan form will remain legible, and the layout remain largely unchanged to the farmhouse. The removal of later extensions will enhance the Listed Building.*

- *Fixtures and fittings will be conditioned, and where feasible, will remain intact – as per a condition for protection.*
- *No additional openings will be made in the boundary wall.*
- *The original use of the site will remain legible.*

I advise that detailing and materials, including adaptation and repair, are conditioned. I remain available for on site visits throughout the development and for Discharge of Condition detailing.

Secure by Design

No objection subject to condition.

Having reviewed the revised detail I've no additional comments to make .

Thank you for sending notification of amended plans for this application.

The majority of comments raised within my previous initial consultation response in November 2021 have been addressed.

There are matters of detail in respect of boundaries which are still unclear, those being gating provision, which is not shown for the majority of plots, and the peripheral boundary for plots adjacent to open land which has no detail shown on the original or amended site plans.

I expect that these matters could be resolved within a general boundary condition of approval.

National Highways

No objection.

National Highways has previously responded to a number of amended versions of this application, the latest in November 2022, with no objections. The amendments associated with this current application relate to house typologies and open space provision and will not impact on the Strategic Road Network, namely the nearby A38.

As such National Highways has no further comments to make.

In November 2021 we reviewed planning application (reference DMPA/2021/0203) for the proposed demolition of an existing farmhouse and farm buildings formerly constituting New House Farm to facilitate the erection of 54 new dwellings and conversion of existing barns to create 2 dwellings.

The New House Farm Planning Update document confirms that the current revised application is for the conversion of the barns to create 6 dwellings and for the erection of 37 new dwellings with access and parking provision. The quantum of development is reduced and the expected trip generation from the revised scheme will not differ significantly from that of the original application (< 25 two-way vehicle trips in the worst case AM peak).

As with the previous application, we do not consider this proposal will have any material impact on the SRN, and as such please find attached a formal no objections response to the above referenced planning application.

Tree Officer

Possible impacts on trees (scheme subsequently revised).

This appraisal covers the impact on trees regarding the conversion of existing farmhouse and associated barns and the erection new dwellings with access, parking and associated works on land to the North and South of Old Etwall Road Mickleover

This is a development application for an additional 56 dwellings to the North and South of Old Etwall Road next to the large housing allocation, which used Old Etwall Road as a footpath/cycleway. Prior to approval of the previous development, trees of note and those likely to be impacted by development were protected by a TPO. The current proposal suggests the use of old Etwall Rd for vehicular access as well as the previously considered cycleway, which will inevitably result in road widening close to the northern boundary of old Etwall Road. Impacts of this proposal on protected trees is evaluated below. The tree belt that runs parallel to Old Etwall Lane is subject to TPO 449 W1 2017, and the concerns expressed that the construction might impact on the roots and the health of the trees is justified. A large Oak – TPO 449 T26 and the shelterbelt/buffer strip (G2 0n Tree Survey) will be impacted. There will also be a loss of some lower quality trees

Assessment and impact evaluation on trees:

The submitted Tree Survey appears not to mention road widening or any impacts this would have on protected trees or those located on DCC land at the exit point. The report content is fine and appears to cover all that would normally be expected. In the report a point has been raised regarding misidentification of trees listed TPO 97 1990, although this is not important at this stage, and the LPA should have reviewed A1. These trees should be disregarded at this stage. T24, T25 and T26 may have been incorrectly drafted and a variation to correct the species should be considered.

The AIA again refers to impacts from demolition and related operations, which is a good assessment should this occur – 5.1-5.3. Impacts from development layout are clear and factual. However, construction of a new driveway to serve Plot 45 will encroach into the RPA of T26 and construction of an access road, and a driveway for Plot 23, will encroach into the RPA of T14. Mitigation methods are acceptable. Notwithstanding this, a design layout should aim to avoid RPA encroachment, and this is not the case here. Also, T14 has been identified as being in decline. It has been categorised B3, which means that it is a tree of moderate quality and value with an estimated remaining life expectancy of at least 20 years. Sub cat 3 means, that the tree has mainly cultural values, including conservation, and this is an important consideration particularly with Oak trees. The tree is developing ‘Veteran’ characteristics, such trees are very important and should be given special consideration. Many mature Oaks have extensive root systems, extending well beyond RPAs, in fact the min RPA for a veteran is 15 times stem diameter, not the usual 12 times. T15 is a very large and ageing tree, that is revealing first stage veteran characteristics, i.e., splits and cracks, some branch subsidence, major deadwood in the crown and rot pockets within the crown. Although not at the veteran stage yet, this tree should be treated as if it were a veteran. The RPA of this tree should be calculated as per BS5837, Veteran trees – 15 times stem diameter, approximately 15.9m radius from tree base. The consequence will be that plots 21 and 22 may have to be reconfigured as the RPA will then extend into these plots

Summary of Impacts:

Overall, it is considered that the proposed development will be likely to have some impact upon the physiological condition, or structural stability, of the trees as a direct consequence of its implementation. The construction of new hard surfaces within the RPA of T26 does have the potential to cause harm to this specimen. Construction following the recommended no-dig methodology, notwithstanding this will minimise the extent of harm and long-term impact upon the health of the tree, it could be avoided at this stage by a redesign. The RPA of T15 should be calculated as per BS5837, Veteran trees – 15 times stem diameter, approximately 15.9m radius from tree base. As a result, plots 21 and 22 may have to be reconfigured as the recalculated RPA will extend into these plots otherwise tree health could be affected as a

consequence of implementation, Road widening of Old Etwall Road, will have major impact on trees within G1, and individual trees, T13, T14, T15, T16 T21, T22, T23. There will also be minor impacts on trees within G2. Trees within G4, and T27, T28 and T29 will be impacted by road widening. These are DCC trees.

Conclusion:

Retained trees should be protected by the erection of tree protection barriers, in the positions detailed on the Tree Protection Plan (Drawing No. D17124-02, Section 8 of the report), prior to the commencement of development. The new driveway within the RPA of T26, serving Plot 45, should be constructed in accordance with a no-dig methodology to minimise the potential for harm to be caused to the root system of this tree or site layout reconfigured.

Prior to commencement of development a plan should be prepared detailing the locations in which activities related to the establishment of a site compound, contractors car parking areas, material storage areas and associated works are to occur. All such areas should be located outside of the RPAs of retained trees.

Prior to commencement of development all proposed service routes should be reviewed for potential arboricultural impacts and, an Arboricultural Method Statement should be prepared to specify how these works are to be completed to minimise the potential for harm to occur to retained trees. This is a high priority pre any consent for road widening

Due to development impacts and more concerning, foreseeable future liveability issues for plots along the sites southern edge, it would be expedient to issue a TPO for G2

Recommendation:

Consider all facts above as part of the evaluation and suitability of this application. Issue a TPO for G2. Regards road widening, obtain a Tree Report, AIA, TPP and AMS. The AMS being key as it will have to demonstrate how construction of the new road surface will avoid damage to protected trees and roots.

Derbyshire Swift Conservation Society

No objection subject to conditions

I am writing to you on behalf of the Derbyshire Swift Conservation Project, an organization devoted to the conservation of Swifts in Derbyshire and part of a national network of Swift groups throughout the UK. We welcome the recommendations of Quants Environmental that swallow nest sites be included in the development but we would like to comment on their proposal that house sparrow nest sites be installed. The construction of 56 dwellings creates a new habitat devoid of ecological value unless biodiversity enhancements are included in the scheme. This development represents an opportunity to integrate "universal" nest bricks in the new structure, so providing nest sites for rapidly declining and red listed house sparrow, starling, swift and house martin. All 4 urban species readily utilise swift bricks and these can be considered a "universal" nest site, unlike house sparrow nest sites. It is good practice to include 1 nest brick per dwelling* but the actual number would need to be determined by the suitability of the proposed structures.

Hence, we request that a condition is imposed to ensure this development is built with up to 56 internal nest bricks designed for Swifts as a universal biodiversity enhancement for urban bird species. This is supported by the National House Building Council Foundation, the standard-setting body for new homes: "Section 8.1 Nest sites for birds (page 42): "Provision of integral nest sites for swifts is through hollow chambers fitted into the fabric of a building while in construction. Although targeting swifts they will also be used by house sparrows, tits and starlings so are considered a 'universal brick" https://www.nhbcfoundation.org/wpcontent/uploads/2021/05/S067-NF89-Biodiversity-in-new-housing_developments_FINAL.pdf

Additionally, section 174(b) of the revised National Planning Policy Framework (NPPF, 2019), states: "To promote and enhance biodiversity and geodiversity, plans should: ...identify and pursue opportunities for securing measurable net gains for biodiversity..." and is explained further by the accompanying guidance notes (NPPF, Natural Environment Guidance, paragraph 023): "...relatively small features can often achieve important benefits for wildlife, such as incorporating 'swift bricks' and bat boxes in developments..."

Public Responses

The application has received 36 public objections over the periods of consultation. They raised the following points:

- a) Relationship between plot no. 12 and alignment to 6 Darwen Close – upper windows
- b) Capacity of Darwen Road to handle additional traffic
- c) Will lead to roadside parking on Darwen Road
- d) Request for visitor parking to be considered on north side – notes visitor parking spaces on south side of development
- e) Outlook from dwellings on Darwen Close
- f) Will create overspill parking on Darwen Close
- g) Lack of EV charging points
- h) Darwen Close should not be used for construction vehicles
- i) Increased pressure on existing green spaces increasing fees for residents
- j) Access arrangement from Ladybank Road and conditioned cycleway needs to be addressed
- k) Possible loss of trees to north of Old Etwall Road if necessary to reconstruct to deliver cycleway
- l) Southern part of the site is outside of the policy allocation for development and settlement boundary
- m) The site is not part of the local development plan (Policy H19). South Derbyshire District Council have demonstrated a sufficient supply of housing for over 5 years.
- n) No objection to development if it can be accessed from Darwen Close
- o) Needs upgrade to Ladybank Road junction to make suitable for access
- p) No communication with Derby City Council
- q) Speed survey on Ladybank Road is not robust due to date undertaken – school holidays, COVID-19 etc.
- r) Surrounding access onto Ladybank Road to the east need to be considered
- s) Development to rear of Harper Lane/Darwen Close much closer than where the barn is currently situated.
- t) Overlooking to dwellings on Harper Lane and Darwen Close
- u) Issues with drawings not accurately reflecting surrounding context
- v) No need for affordable housing given existing delivery on David Wilson site
- w) Clarification on affordable tenures proposed
- x) No objection to housing but Darwen Close is a more suitable option for a safe access
- y) Local businesses were not suitably consulted
- z) Additional strain on community infrastructure
- aa) Expected once the permission was granted to build on Newhouse Farm site - but should be accessed from Darwen Close
- bb) Proposed access using Old Etwall Road/Old Farm Road onto Ladybank Road is dangerous – needs to be addressed
- cc) Limited visibility around Ladybank Junction and A516 access

- dd) No consultation with residents about development
- ee) Request made on the 14/5/2021 to provide all comments to objector

Further to this the adjacent business GNT UK Limited objected to the application on the following grounds:

- a) Principle of development outside settlement boundary on 'rural land'
- b) Quantum of proposed affordable to satisfy Policy H1 – proposal is in conflict
- c) Plot 38 missing on accommodation schedule – development on southern site amounts to 23 units
- d) Proposed housing mix would deliver disproportionate amount of market 4 bedroom properties.
- e) Affordable housing is not policy compliant and does not address local needs conflicting with NPPG
- f) No through run should be provided from Darwen Close to Ladybank Road
- g) Development should be phased to ensure Listed Building is delivered at a suitable time to ensure new houses are built and the listed building remains unrenovated
- h) Plot 43 would be adjacent to GNT's office and car park and should planning permission be granted, it is considered necessary to enhance screening between the two properties to ensure a) the residential amenity of plot 43 is protected and b) the operation of GNT at Bakum House would not be compromised by inserting new sensitive receptors adjacent to the boundary of the existing development.
- i) Existing trees on the boundary of Bakum House and the application site should be protected, retained and enhanced to maintain and provide adequate screening
- j) The proposed development of the southern parcel would have a negative impact on the designated heritage asset Newhouse Farm and this weighs against the proposal.
- k) SDDC should be satisfied that the S278 Agreement arising from the Ladybank junction permission is valid.
- l) It is necessary that highway safety is reconsidered to ensure the proposed development does not prejudice the safety of road users of Old Etwall Road; consideration must be given to the proposed intensification of this small road which is currently used for access to GNT's office at Bakum House and Newhouse Farm.

Relevant planning history

9/2002/1308 - The conversion into a dwelling of a farm building
Appeal Withdrawn – October 2003

9/2006/0543 - Change of Use for multiple occupation and the parking of commercial vehicles and trailers. Refused – September 2006

9/2014/1136 - Outline application for residential development of up to 300 dwellings with means for access for approval now and all other matters reserved for future approval (resubmission of application ref: 9/2014/0249 but including the provision of a roundabout on the A516). Refused – Appeal Allowed August 2015

EA/2016/0002 - Scoping Request relating to the erection of up to 1,100 dwellings

9/2017/0349 - Outline application (all matters except for access to be reserved) for the residential development of up to 1,100 dwellings, an extra care facility, a local centre comprising: a small supermarket with a floorspace not exceeding 1000 sqm (net); a smaller retail unit with a total floorspace not exceeding 200sqm (net); a cafe/restaurant with a

floorspace not exceeding 200 sqm (net); a public house with a floorspace not exceeding 650 sqm (net); a doctors surgery or creche; and a community facility, as well as a primary school together with associated playing fields and the provision of associated infrastructure (including roads, footpaths, cycleways, sustainable urban drainage and open space). Approved October 2018

9/2018/0840 - Approval of reserved matters of planning permission ref: 9/2014/1136 (Re Plan of 2 Dwellings in lieu of 2 dwellings previously granted under reserved matters approval ref. 9/2016/0564, along with changes to surfacing and facing materials, highway 'build-outs' and landscaping). Approved October 2018

DMOT/2020/0261 - Approval of details required by condition 29 of permission reference 9/2017/0349 relating to Outline application (all matters except for access to be reserved) for the residential development of up to 1,100 dwellings, an extra care facility, a local centre comprising: a small supermarket with a floorspace not exceeding 1000 sqm (net); a smaller retail unit with a total floorspace not exceeding 200sqm (net); a cafe/restaurant with a floorspace not exceeding 200 sqm (net); a public house with a floorspace not exceeding 650 sqm (net); a doctors surgery or crèche; and a community facility, as well as a primary school together with associated playing fields and the provision of associated infrastructure (including roads, footpaths, cycleways, sustainable urban drainage and open space). INVALID

DMPA/2022/0081 - The removal of condition 4 of outline permission ref. 9/2017/0349 (relating to the residential development of up to 1,100 dwellings, an extra care facility, a local centre comprising: a small supermarket with a floorspace not exceeding 1000 sqm (net); a smaller retail unit with a total floorspace not exceeding 200sqm (net); a cafe/restaurant with a floorspace not exceeding 200 sqm (net); a public house with a floorspace not exceeding 650 sqm (net); a doctors surgery or crèche; and a community facility, as well as a primary school together with associated playing fields and the provision of associated infrastructure (including roads, footpaths, cycleways, sustainable urban drainage and open space) to remove the need to provide shared footpath/cycleway. PENDING

Furthermore given the relationship with Derby City Council and access on Ladybank from Old Etwall Road the following application is also a consideration;

21/02180/FUL - Creation of a footway/cycleway and associated ground works. Approved July 2022

Relevant policy, guidance and/or legislation

Section 38(6) of the Planning and Compulsory Purchase Act, 2004 requires the determination of this application to be made in accordance with the development plan, unless material considerations indicate otherwise.

The relevant Development Plan policies are:

Local Plan Part 1 (2016): S1 (Sustainable Growth Strategy), S2 (Presumption in Favour of Sustainable Development), S5 (Employment Land Need), S6 (Sustainable Access), S3 (Environmental Performance), S6 (Sustainable Access), E1 (Strategic Employment Land Allocation), SD1 (Amenity and Environmental Quality), SD2 (Flood Risk), SD3 (Sustainable Water Supply, Drainage and Sewerage Infrastructure), SD4 (Contaminated Land and Mining Legacy Issues), SD5 (Minerals Safeguarding), BNE1 (Design Excellence), BNE3 (Biodiversity), BNE4 (Landscape Character and Local Distinctiveness), INF1 (Infrastructure and Developer Contributions), INF2 (Sustainable Transport) and INF7 (Green Infrastructure)

Local Plan Part 2 (2017): SDT1 (Settlement Boundaries and Development), BNE5 (Development in the Countryside), and BNE7 (Trees, Woodland and Hedgerows)

The relevant national guidance is:
National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

The relevant local guidance is:
South Derbyshire Design Guide SPD (2017)
South Derbyshire Housing Position Paper (February 2020)

Planning considerations

Taking into account the application made, the 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 are:

- Principle of the development
- Housing Mix and Tenure
- Heritage Considerations;
- Layout, design and effect on neighbouring amenity;
- Ecology and Biodiversity;
- Tree and Hedgerows
- Highways and Access;
- Drainage;
- Section 106 obligations
- Conclusion and Planning Balance

Planning Assessment

The Principle of Development

The northern element of the site is allocated for housing via policy H19 which extends to north of the site. H19 supports residential development on Land to the West of Mickleover for around 1,650 dwellings. Within H19 it seeks to provide suitable social infrastructure in the form of a new district centre to support the delivery of residential development given the critical mass suggested by the policy, in addition enhanced cycle and pedestrian networks within and connected to the wider area. In addition, whilst New House Farm was not listed at the time of the adoption of the policy, there is reference to the protection and enhancement of heritage assets.

Condition 4 attached to permission 9/2017/0349 seeks details of a cycleway to be provided along Old Etwall Road. There is currently an application reference DMPA/2022/0081 seeking the removal of the condition and therefore the provision of a cycleway along Old Etwall Road.

Application reference 9/2014/1136 and 9/2016/0564 have been granted to the north of the development for 300 homes. Further to this, to the east application 9/2017/0349 has been permitted for up to 1100 homes. Within this development there has also been provision for social infrastructure, open space and enhanced pedestrian and cycle links.

Even with these applications there remains a shortfall in residential delivery against that set out in H19 of 1650. The design of Darwen Close is considered to have been passively designed for a possible connection to the site. Consideration has been given to New House Farm as a listed asset below. On this basis, given the allocation for residential development, the principle of residential development is accepted for the northern element of the site.

The southern element of the scheme, some 23 dwellings, falls outside of the H19 allocation and a defined settlement boundary. Policy H1 of the Part 1 Plan sets out the settlement hierarchy which distributes new development outside of the allocations and settlement boundaries. Urban areas, including areas adjacent to Derby, are at the top of the hierarchy. Outside the urban areas, sites adjacent to their boundary will be allowed as an exception or cross subsidy site as long as they are not greater than 25 dwellings.

Policy SDT1 reflects this approach setting out that outside of settlement boundaries and allocated sites, within the Rural Areas as defined in Policy H1, development will be limited to that considered acceptable inter alia by Policy BNE5. Policy BNE5 manages development in rural areas and sets out a several criteria to assess such proposals.

It is accepted that the southern section lies outside of the allocation and outside of the settlement boundary; however this is not necessarily harmful in and of itself, and this is the reason why there is a policy framework with various considerations seeking to manage such. The fact that SDDC can evidence a 5-year housing supply is in itself not sufficient to dismiss residential development outside of allocations and settlement boundaries.

It is considered that the main objective of policy H1, SDT1 and BNE5 is to spatially focus development across the district in areas most suitable for it. In this instance, this is residential development. It is accepted that such can give rise to additional pressure on services and transport networks, and may not be suitable to be located in the countryside landscape given the possible visual value of such or given it may already be in use as agricultural land. Spatially, social infrastructure and services are found to a lesser degree in lower tiers of H1 in terms of urban areas to rural villages and ultimately rural areas.

The site is located adjacent to housing allocation H19. In terms of H19, the Local Plan states *The site is in a good location in relation to access to services and facilities. Though the site offers the opportunity to deliver new infrastructure due its critical mass.*

In addition, the inspectors report on the Local Plan stated *It seems to me that the location is a good one for access to employment and other facilities in Derby City as well as the north-western part of South Derbyshire, for example the Toyota site close to the A38/A50 junction.*

Furthermore, permission reference 9/2017/0349 which has been permitted, provides for primary school, local centre with shops and a community centre. No objections have been raised regarding the spatial sustainability of the site subject to contributions to education and health which the applicant has agreed too.

There is an allowance in policy H1 to enable cross subsidy or exception sites adjacent to the settlement boundary. Whilst not considered a true example of either, the affordable housing which is considered compliant is located on the south of the site, in addition there is New House Farm which has been subsequently listed. The proposal seeks to renovate and bring the asset back into occupation, which whilst subject to further assessment below and listed building consent, is in principle a positive, albeit one that is accepted as pressuring viability of the overall proposal.

In terms of the site, it is considered an isolated field in uncultivated agricultural use. It has no further policy designations regarding its value in terms of landscape or biodiversity. In terms of its value as part of the setting of a listed asset this is considered below.

Overall, for the reasons set out above, it is considered that the southern element of the site is spatially sustainable to accommodate 23 dwellings. It would not give rise to unacceptable impacts on local services and follows the spatial objectives of policies H1 and SDT1, even more so when considering wider consented development. Given its location and policy context it is considered that the proposal does not give rise to conflict with the objectives of BNE5. Indeed, the principles of renovating a listed asset, delivery of housing to maintain a 5YHLS and compliant affordable housing offer set out below is considered to weigh heavily in favour of the scheme. On this basis, the principle of residential development is considered acceptable for the southern element of the scheme.

Housing Mix and Tenure

Policy H20 seeks to manage housing developments to provide a balance of housing that includes a mix of dwelling type, tenure, size and density. The overall mix of housing will take account of the Strategic Housing Market Assessment (SHMA) and Local Housing Needs Study. There is no set density and housing development would be expected to make the most efficient use of the land whilst taking into account what is appropriate for the surrounding local built and natural environment. In addition, the policy promotes a mix of housing that is suitable and adaptable for different groups of people such as single occupiers, people with disabilities,

The proposed housing mix has been amended during the period of the development reducing the number of dwellings and revising dwellings to meet space standards and provide 1 bed affordable dwellings. Key factors in driving the housing mix here are accepted as the consideration of the listed asset in terms of surrounding development and public realm, renovation of the listed asset itself, access and provision of affordable housing.

Further to this Policy H21 Affordable Housing outlines that the Council will seek to secure up to 30% of new housing development as affordable housing as defined in the NPPF on sites of over 15 dwellings. No tenure split is given by policy. This policy details that consideration will be given to the local housing market, the viability of any proposed scheme - which will be assessed through independent viability assessments, the tenure mix and dwelling type on the site will be based on the SHMA and the phases of development that are being proposed.

The recent Housing Study Paper prepared by GL Hearn sets out at table 5.1 an suggested housing mix for developments as follows. The report also notes the need for consideration of the site context in securing the most suitable mix.

	1 bed	2 bed	3 bed	4+ bed
Market	0-5%	20-25%	50-55%	20-25%
Affordable – Home Ownership (SO)	10-15%	40-45%	35-40%	5-10%
Affordable - Rented	25-30%	35-40%	25-30%	5-10%

The proposal when assessed against the above table is considered to be inline in so far as in terms of market dwellings the proposal would deliver 54% 3beds and is focussed towards 3 and 4 beds which are of greatest need in market tenure.

The proposal would deliver 12 units as affordable across both rented and shared ownership tenures. This would represent 28% of the total sum of housing. 30% of 43 would represent 12.9 units. As noted above policy H21 will seek 30% whilst also taking into consideration wider factors. Pertinently here there is the renovation of the listed asset and consideration of surrounding development and public realm which will be of a higher quality and more

financially intensive. In terms of the affordable mix, again when considered against the table above there is provision for smaller 1 bed units helping to meet the identified need here, and the affordable dwellings are focussed towards the 2 and 3 bed sizes, reflecting the areas most in need. SDDC strategic housing department acknowledge the proposal meets affordable needs and raise no objection to the application. Addressing housing need is considered to weigh heavily in favour of the application.

Overall, for the reasons set out above, the proposal is considered to deliver a suitable mix and affordable offer, which is afforded significant weight in favour of the application.

Heritage Considerations

Since the listing of New House Farm, Officers have worked to revise and guide the proposal. Overall, the broad principles of converting the listed buildings were agreed with the Officers as have the designs and proximity of the bespoke dwellings to the north and west of them. In addition, there was subsequently an application made for listed building consent as report here.

The application is only considered to give rise to impacts to New House Farm, which as set out above was designated as a Grade II asset by Historic England in April 2021. No other assets are impacted.

The full listing is provided in Appendix A to this report. In addition the Historic England listing description details the reasons for the designation as follows:

Newhouse Farm, a late-C17 lobby-entry farmhouse with barns and stabling from the C18/C19 is listed at Grade II for the following principal reasons:

Architectural interest:

** the farmhouse is likely to date to the late-C17 and clearly retains its lobby entry plan-form with three rooms on both the ground and first floor; * despite replacement windows and the loss of some fixtures, the farmhouse retains many of its internal fittings, including chamfered beams with ogee stops and a C19 linen cupboard; * despite the loss of the western barn's roof structure, it retains important fittings including a winch mechanism for hoisting grain and later C19 stabling.*

Historic interest:

** the legibility of the farmhouse's plan-form helps to demonstrate how its inhabitants used the building from the late-C17, with a hall, parlour and service end clearly legible; * the later phases of the farm, particularly the eastern barns enclosing the main courtyard, show the development and expansion of the farm into the C19.*

Group value:

** together the farmhouse and barns form a strong group enclosing a yard to their south, with brick boundary wall.*

Policy BNE1 promotes design excellence in new development, setting out several design principles including consideration of local character where regard is to be had to heritage characteristics.

Policy BNE2 sets out that development will be expected to protect, conserve and enhance assets and their setting in accordance with national guidance. Assets include listed buildings. Point D of the policy states:

The District Council will work with private owners and developers to bring forward opportunities to secure the long-term future, sensitive use or re-use of under-utilised buildings, and the development of gap sites in conservation areas where development is beneficial to the character and appearance of the area. The District Council will also seek opportunities to improve public access to existing heritage features associated with new development schemes.

Policy BNE10 follows BNE2 and sets out SDDCs approach to considering and managing development impacting heritage assets. The policy seeks to ensure sufficient information is provided to enable determination, including demonstrating how the development has considered the asset in terms of mass, scale, siting and setting of the heritage asset and minimises any harm, where substantial harm is caused it is likely to be refused and where less than substantial harm is caused this will be considered against the public benefits of the proposal.

Furthermore, policies H19 and BNE5 manages development on this site as set out above, and where such would not unduly impact heritage assets.

The several amendments have resulted in revisions to information which has been submitted setting out the proposals, significance and how the development reflects the asset and harm has been minimised. These documents are considered to be in line with BNE10.

Historic England object to the application. They advise that *“insufficient information to make a proper assessment of the impact of the proposed scheme on the significance of the listed building, as highlighted in our previous advice, and, whilst some proposed housing has been removed to the south of the listed farmhouse complex, the proposed scheme would still significantly erode the remaining rural setting of the listed building resulting in harm to its overall significance.”*

Legislation and guidance on when to seek Historic England advice is set out in Historic England and National Amenity Societies and the Secretary of State (England) Direction 2021. The Town and Country Planning (Development Management Procedure) (England) Order 2015 is also relevant. They set out that Historic England must be consulted in certain instances only.

The legislation does not require a Local Planning Authority to consult with Historic England for this application – development affecting a Grade II building to the degree of that proposed; only in the instance of demolition would the LPA be obliged to consult with HE.

Therefore, Historic England would not have been consulted on the proposal given the fact that New House Farm is of Grade II significance only. They were aware of the proposal via the listing process only.

It is considered that on the basis, that for such proposals, an LPA is best placed with reliance on its own specialist conservation advice including familiarity with the site, to have the professional capacity to make a robust judgement, which is considered to be the case in this instance. Notwithstanding the above, the comments by HE remains a material consideration.

As set out since the listing, Officers including the Council's Conservation Officers have been working with the applicant over a period of two years to advise and guide the proposals.

Revisions have been made by the applicant as follows:

- Maintained the farmhouse as one unit, including the front garden
- Simplified the arrangement/subdivision of the outbuildings
- Embraced a minimum intervention approach to the adaptation of the heritage assets
- Incorporated a positive architectural language to ensure interpretation of new & old
- Adopted a palette of materials suitable for the historic setting
- Adapted the new development layout in the farmstead in response to my suggestions for arrangement that would best suit the heritage assets
- Reduced the number of units on the site
- Altered the arrangement of new build to ensure an open aspect from the farmhouse
- Provided a bespoke architectural solution
- Simplified the landscape architecture/public realm space to be inobtrusive to the historic setting

In addition, the new build elements of development in the farmstead are a complete deviation from the standard housing type for this housebuilder. A bespoke solution has been designed for this site to respond to the constraints of the site and its setting. The linear layout and architectural language provide clarity of the former use of the site, and importantly makes no attempt to deliver a pastiche 'barn conversion' appearance. This approach is endorsed by point D of Policy BNE2.

It is considered that there is likely to be a level of harm that will inevitably result from the renovation and reoccupation of New House Farm given its current state. It is for this reason why there is legislative and policy framework to manage this. It is considered that a compromise is necessary to find a solution that meets the requirements of enhancement and protection, whilst providing a suitable and economic end use and appropriate condition. The applicant has made Officers aware of the impact to viability and in effect could remove the asset from the application and pursue an option without this.

For the context, considerations and reasons set out above Officers disagree with the advice given by Historic England.

There will be alteration to the building fabric, new intervention, and removal of later extensions and built form; and in specific response to the listing:

- The plan form will remain legible, and the layout remain largely unchanged to the farmhouse. The removal of later extensions will enhance the Listed Building.
- Fixtures and fittings will be conditioned, and where feasible, will remain intact – as per a condition for protection.
- No additional openings will be made in the boundary wall.
- The original use of the site will remain legible.

In terms of the setting of the Listed Building it is accepted that the present setting of the farmstead has already been compromised by the existence of the residential development immediately north of the site. However, it is recognised that the view south from the farmstead represents elements of the original setting. The proposal will impact this setting, however it is considered that this has been mitigated in part by revisions to:

- reduce the number of dwellings to the southern element;
- the rectilinear aspects of the farmstead and northern development are retained in the southern element; vernacular materials are proposed;

- retain the hedgerow in the immediate vicinity to the south of the asset; and
- provide an element of open space to the south west of the asset.

Officers have ultimately concluded that the level of harm arising in this instance is less than substantial at the medium to low end of the scale. Notwithstanding this, having regard to section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 the test set out in paragraph 202 of the NPPF is engaged. It is acknowledged that the test is a weighted one in which any benefits must substantially outweigh the harm.

In terms of possible wider impacts to below ground assets, Derbyshire County Council Archaeologist was consulted who raised no objection subject to conditions which require possible field evaluation and subsequent recording depending on the results. Such conditions and informative would be attached to any permission.

There are a range of public benefits arising from the proposed development, principally in terms of heritage, is that the assets ongoing maintenance and management will be secured by virtue of occupation. It is considered that

For the reasons set out above, the proposed development having due regard to the relevant Sections of the Planning (Listed Building and Conservation Areas) Act 1990 is considered to be on balance in accordance with the Local Plan and NPPF in regard to heritage impacts.

Design, Layout and Residential Amenity

The most applicable policies to consider are SD1, H19, H20 and BNE1 of the LP1 and the Design Guide SPD. The site is designated for housing via H19, which seeks up to 1650. The site is not designated for its landscape value and is well screened from the south and east by tree planting along the boundaries. There are currently several new houses built along Darwen Close and Harper Lane in close proximity to the site. Heritage considerations are set out above, however, the retention of these assets and wider setting has driven the design since the application since listing and the proposal has been significantly revised in terms of its layout, density and design with several discussions with officers throughout the determination of the application.

H20 promotes a balance of housing making an efficient use of land taking into account surrounding development. The proposal is for 43 houses across 2.31 hectares, this results in a density of 19 dwellings per hectare. This density is reflective of that as permitted in the surrounding developments to the north and west.

All dwellings achieve the National Design Space Standards (NDSS) internal floor space standards. Each dwelling is served by private amenity space and allocated off street parking, Car parking spaces provided meet the Design SPD, and exceed the standards. The new dwellings are able to meet Part M of the building regulations which covers inclusive access and mobility, allowing good access for disabled persons.

The housetypes to the northern section of the site around the listed asset are provided in a bespoke design in arrangements of semi-detached and terraced dwellings creating the impression of long barn style buildings. Random door and window openings are then employed to further support the theme. Front doors have been concealed within simple recessed porches which have also been designed to conceal utility boxes. The external materials utilised create the agrarian feel with black boarding laid in both vertically and horizontally directions providing a sense of random materials with differing textures; the ground floor material being predominantly facing brickwork reinforces the feel of traditional agricultural

outbuildings. Overall, these designs and materials are considered to provide a high-quality response to the setting of the listed building.

Policy SD1 of the Local Plan stipulates that development should not lead to adverse impacts on the amenity of existing and future occupiers. With specific regard to adjoining amenity of dwellings along Darwen Close and Harper Lane the proposed layout has been amended and comments responded to positively. There is now 14.9m to the rear of 5 Darwen Close and plot 15 which will have no overlooking windows. Plots 13 and Plot 20 are at least 12m away from properties on Cherwell Drive, with no direct overlooking and additional boundary plating. Gardens of plots on the northern boundary will be stepped and any retaining structures visible from Darwen Close will be conditioned to preserve visual amenity.

The housetypes to the southern section of the site are indicatively proposed in vernacular materials of red brick and traditional detailing. Garden walls and prominent boundaries within the public realm will be brick, which is welcomed.

The northern section of the site is accessed from Darwen Close which is an adopted road. There is no through route for traffic, however, there is provision for pedestrians and cycles through the site north/south. The remainder of the site is to be accessed Old Etwall Road via Ladybank Road to the east which is an adopted junction. The layout of the proposal is designed from Old Etwall Road which is considered to create a functional route through the site and provide link to the open space to the west. The route, which will likely remain private, is designed as a 5.0m wide road with a 2.0m footpath which is to be expanded to a 3.0m cycleway if constructed by others. The proposals provide sufficient provision for the delivery of the cycleway in the event the outstanding condition on the wider residential permission is to be delivered. On this basis, it would be unreasonable to refuse the application.

The positioning and orientation of plots are considered to have been designed based on this proposed route and connectivity into the site. Dwellings face onto primary routes and offer surveillance to the proposed pedestrian routes which connect well into the surrounds. The scheme provides areas of open space and a balancing pond to the eastern part of the site, with pedestrian and cycleway paths running through. Further to this are further areas of open space and tree planting. The layout retains all the trees under a TPO. Open space and POS contributions have been accepted and no objection is raised in consultation, and conditions will be attached to any design to control the details of landscaping, play and public realm.

Refuse bins for the dwellings will be located in their respective rear garden. It is proposed that where the refuse collection distance exceeds 25 metres then bin collection points will be located adjacent to the nearest highway or specific turning facilities have been provided within the private drive to allow the refuse vehicle to enter the drive turn and leave in a forward gear.

Overall, the site is partially designated for housing and responds to adjoining densities accordingly. The proposals layout has been significantly amended to sufficiently address comments regarding neighbouring amenity. Dwellings are considered high quality and responsive to the asset and surrounding development. Adequate design detail will be secured as part of planning conditions to include details of brick detailing, eaves, header and cill finishes and porch details. The development would therefore be consistent with the requirements of policy BNE1 of the Local Plan and the Design Guide SPD and the overarching principles of the NPPF.

Biodiversity and Ecology

Local Plan Policy BNE3 (biodiversity) supports development which contributes towards protecting or improving local biodiversity or geodiversity and delivering net gains in biodiversity wherever possible. Policy BNE7 manages trees, woodland and hedgerows. Where new planting is proposed on site these will be supported and the main concern is to ensure suitable tree species.

The application has been supported by a range of assessments and reports on the ecological value of the site and its constituent elements and habitats, fauna activity such as bats, badgers and birds. The preliminary ecological appraisal carried out on 2nd August 2019 identified the site to comprise a farm complex and a field of poor semi-improved grassland bordered by hedgerows. The development will result in the loss of the poor semi-improved grassland. This type of habitat does not have any nature conservation status, but it is considered to likely be supporting a range of common and widespread species typical of this type of grassland. Mitigating and compensating for the loss of the grassland is desirable to ensure that a measurable net gain is achieved. The document therefore recommends measures to retain hedgerows where possible and treelines on boundaries within appropriate buffer zones as part of the scheme, and measures to enhance the grassland and other habitats.

Derbyshire Wildlife Trust (DWT) were continuously consulted and responded to the revisions made during the determination of the application. They raise no objection subject to conditions. In response to further information on presence of bats the two documents were submitted:

- Preliminary Ecological Appraisal and Daytime Bat Inspection Survey prepared by Quants Environmental dated October 2019
- Bat Survey Report prepared by Quants Environmental dated September 2020

Due to evidence of bats in several the farm buildings, a series of dusk emergence and dawn re-entry surveys were carried out between 15th July and 24th August 2020 in accordance with current best practice guidelines. Evidence was found that the majority of roosts (5) and activity was from Common pipistrelle which are the most common and widespread bat species and also three brown long eared bat roosts, which are also a widespread common species. With a maximum count of a single bat per roost.

DWT considered that the bat survey work was a robust assessment at the time and do not seek further updates at this time. Overall DWT advised that the proposed development will affect bats given roosts were confirmed in the listed asset. Officers note that all species of bats are European Protected Species and a licence is required in order to carry out any works that involve disturbance to the animals or destruction of their resting place. Therefore, a licence from Natural England will be required for the works. In line with Natural England guidance and DWT advice no development affecting any of the buildings understood to have bats present can start until the surveys have been completed and a licence secured. In addition, the bat survey sets out a range of mitigation measure required for gaining a license in terms of reposition of bat boxes in specific areas, seasonal timings for work, licensed ecologist monitoring all works, restrictive conditions if further bats are found and restrictions on lighting. Given the above inline with DWT, Officers have considered Regulation 55 of the Conservation of Habitats and Species Regulations 2017 as a material consideration pre-determination. The three tests set out within Regulation 55 are as follows:

- (i) The action will be undertaken for the purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment (Regulation 55(2)(e))

- (ii) That there is no satisfactory alternative (Regulation 55(9)(a))
- (iii) That the action will not be detrimental to the maintenance of the population of the species concerned at favourable conservation status in their natural range (Regulation 55(9)(b))

In consideration of the first two criteria it is considered by the LPA that listed building is currently in a state of disrepair. As set out in the Heritage section of this report, securing the long term management of the asset is considered to be material as found by case law and is afforded significant weight. On this basis, it is considered that there are public benefits in terms of securing the asset. Furthermore, the proposal is supported by a robust Bat Survey setting out measures that will protect and mitigate against undue impacts to bats which DWT raise no objection to. The alternative would be to leave the asset as is which is considered would likely lead to the asset's physical degradation, notwithstanding the obligations to maintain. Lastly DWT confirmed in their response that they are satisfied criteria three is met. For the reasons above, inline with the NPPG, the LPA is satisfied that a tests will be met and a license granted. The layout is considered to suitably retain all TPO'd trees and hedgerows. Open space is provided to the west of the site which is support by Public Open Space officers and will be enhanced by further landscaping. Bird and bat boxes will be provided as set out above. To manage the landscaping and biodiversity conditions will be attached as requested. This will overall compensate for the loss of habitat and overall will suitably enhance biodiversity and ecology.

On this basis, with regards to BNG the proposal accords with the Environment Act, objectives of the NPPF and policies BNE3, BNE7 and INF 7 of the LP1.

Trees and Hedgerows

Policy BNE4 Landscape Character and Local Distinctiveness states that Developers will be expected to retain key valued landscape components such as mature trees, established hedgerows and topographical features within development sites unless it can be demonstrated that the loss of features will not give rise to unacceptable effects on local landscape character. Development that will have an unacceptable impact on landscape character (including historic character), visual amenity and sensitivity and can not be satisfactorily mitigated will not be permitted. Further to this Policy INF7 seeks to conserve, enhance and where possible extend Green infrastructure including trees within the District.

The site contains several trees, some of which are well established and under a TPO and a mature hedgerow to the south of Old Etwall Road. In addition, to the north of Old Etwall Road and on the southern boundary with Bakum house and the A516 are groups of established trees also under TPO.

The proposal is supported by a Tree Survey and Arboricultural Impact Assessment to the British Standard BS5837. It was subsequently amended and revised in 2022 following the amendments to the scheme and reduction of units.

The supporting information was consulted on by the Tree Officer. The Tree Officer accepted the survey to be robust and satisfactory however raised concerns with regards to the layout of the scheme resulting in the loss of multiple trees and impacts to root protection areas, and at that time, the access arrangement of a through road between Darwen Close and Ladybank, as this would likely give ride to road widening adding further stress on root protection areas and possible loss of trees.

The issues raised were:

- Road widening of Old Etwall Road would impact several significant trees and groups of trees
- New hard surfaces within the RPA of T(ree)26,
- RPA extent of T15 – likely resulting in removal of plots 21, 22
- Proximity of southern dwellings to boundary

The revisions to the layout and reduction in proposed dwellings has been informed by these concerns. Development is now no longer proposed within the RPA of T26 and T15. The number of dwellings in proximity to southern boundary has been reduced and distance from boundary trees increased. The mature hedgerow bounding Old Etwall Road is maintained and will be protected during construction. There will be the loss of less significant trees but this was not raised as an issue by the Tree Officer and the proposals seeks additional tree planting. Access arrangements have now been split, with no through road, and Ladybank junction enhanced to provide suitable access for the southern dwellings. The works proposed to Old Etwall Road as part of this application in terms of providing pedestrian access will be controlled by condition to ensure no unacceptable impacts to the trees to the north of Old Etwall Road.

As requested by the Tree Officer in his prior to the commencement of works details will be considered with regards to construction compound, access and parking to be outside of the RPAs, and furthermore a Tree Protection Plan and Arboricultural Method Statement will be submitted for all works to ensure no unacceptable impacts on the retained trees.

Overall, Tree Officers comments have been adequately responded to by the revised layout, no TPO'd trees will be lost, with the conditions outlined above there will be no unacceptable impacts on trees and there will be the additional planting of trees and wider landscaping, to which DWT and SDDC POS and Landscaping Officers raise no objection. On this basis, that the proposed development from an ecology perspective would be in accordance with LPP1 Policy BNE4 and paragraph 174 of the NPPF.

Highways and Access

The most applicable policies to consider are S1, S2, S6, H19, BNE1, INF1 and INF2 of the LP1 and the Design SPD. Between them, these policies and guidance seek that new development be located within sustainable locations with access to public transport and passive methods of transport with good links to existing transport infrastructure and that any impacts if mitigatable are secured on site or through financial contribution via commuted sum to off-site projects. Within the site itself, via H19, would seek high quality pedestrian and cycle routes within and connecting to the wider surrounds.

The proposal's access will be twofold, the northern dwellings, some 20 dwellings, will be accessed from Darwen Close and the southern dwellings some, 23 dwellings, will be accessed from Old Etwall Road, via Ladybank in Derby City Council's (DCC) administrative boundary. Ladybank is an adopted highway managed by Derbyshire County Council, Old Etwall Road is a private road at the point of the LPAs boundary with DCC and is 5m wide. Darwen Close is a private road and 5m wide.

The layout provides cycle and pedestrian connections north south from Darwen Close to the A516 and east west along Old Etwall Road.

The original proposal was to open the site to through traffic from both Ladybank and Darwen Close. However, due to objections this was subsequently revised as above. Further to this, the applicant subsequently sought and was granted permission to enhance the junction of Old

Etwall Road and Ladybank. The scheme was designed to cater for additional development up to 25 units and provide a pedestrian and cycleway.

On this basis, the concerns raised around the Ladybank junction safety and access are now considered to be resolved.

Comments have been made by Derby City Council and Derbyshire Highways setting out that Old Etwall Road should be improved, however Officers note the constraints on the road which include the band of protected trees to the north and the proposed cycle way condition.

Both Darwen Close and Old Etwall Road are 5m wide. The internal roads serving the northern dwellings are proposed to follow the dimensions of Darwen Close. Tracking for refuse and fire has been provided and no issues are raised. The extent of additional movements is not considered significant. Comments regarding on street parking are likely not to be exacerbated by this proposal given each unit is served by allocated off street parking exceeding standards.

The proposal for the southern dwellings is to retain Old Etwall Road and enhance it by providing a pedestrian footpath along the northern section. The works will be controlled by condition to ensure they suitably reflect the wider works at Ladybank and an Arboricultural Method Statement will be required to ensure no unacceptable impacts on the trees to the north. Given the routes width, linear nature and visible context as a estate road, it is considered that speed will likely be <20mph, it is considered further measures may also be suitable to sufficiently slow traffic enhancing the space for pedestrian amenity. Given the connecting routes off to the south serving the dwellings it is considered there is acceptable passing provision.

The cycleway link approved for adjacent planning permission ref: 9/2017/0349 is indicated on the submitted site layout. There is no requirement for the applicant to provide this link, however they have provided such in their open space which ties into the surrounds which is considered beneficial.

In terms of Old Etwall Road, it is considered that the proposal does not undermine the delivery of a cycleway, it enhances the road acceptably subject to condition with a pedestrian route and tracking has been provided which shows the road acceptable for refuse and fire. The road will likely remain private given these issues above and a suitable condition will be attached ensuring that there is a mechanism to maintain the road for the lifetime of the development and no additional dwellings be accessible by the route.

Overall, the proposal is considered to provide enhanced connectivity to the surrounds, the internal routes reflect existing dimensions and suitable parking provision is proposed. The roads have been shown suitable in terms of tracking and a suitable mechanism is in place to manage and maintain them in the likely event of non-adoption.

On this basis the impact of the development on the amenity of these premises and highway safety needs to be considered. Pertinent Local Plan policies are S1, SD1 and SD6 of the LP1.

Drainage

The site lies within Flood Zone 1 on the Environment Agency's flood map. Consequently, the area is deemed to be at the least risk to flooding. The FRA does highlight small, isolated areas of at risk of surface water flooding on the adjacent site to the east. The most applicable policies to consider are S1, S2, SD2, SD3 and SD6 of the LP1.

An amended FRA and drainage design has been submitted. The revised design of layout has not materially changed the drainage strategy for the development. It remains that surface water drainage will be managed via an attenuation pond located in the west of the site.

Derbyshire County as Local Lead Flood Authority have been consulted and raise no objections the proposal subject to conditions which will be attached.

During the application's consideration, Severn Trent Water raised the issue that the proposed sewer to which the development will connect is under vestment and that confirmation of its use is needed from Barratts / David Wilson Homes until the sewers are formally adopted. In response to this point, the applicant has since confirmed that Barratts / David Wilson Homes have already constructed a drainage inlet into the development site and this is now considered to be resolved by Officers.

Overall, in terms of flood risk, water management and drainage subject to conditions and informatives it is considered that the development is in compliance with the listed policies.

Other Matters

No issues have been raised in terms of environmental health subject to conditions with will be attached.

Developer Contributions

Policy INF1 of LP1 states that new development which generates a requirement for infrastructure will normally be permitted if the necessary on and off-site infrastructure required to support and mitigate the impact of that development is provided. This could be included within the development or via a suitable mechanism to ensure this is delivered.

Policy INF6 of LP1 requires that development that increases the demand for community facilities and services either provides the required community facilities as part of the development or makes appropriate contributions towards providing new facilities or improving existing facilities.

It is considered that proposed development would lead to an increase in the local population which would create additional demand for local services – notably as raised by public comments education and healthcare. Consultation comments have been provided to demonstrate that additional provision would be required to cope with the increased demand on existing facilities and therefore, on this basis, these obligations are considered necessary to make the proposal acceptable and meet the meet the statutory tests contained in Regulation 122 of the CIL, and the requirements of paragraph 56 of the Framework.

The following matters therefore will need to be controlled by legal obligation under Section 106 of the Town and Country Planning Act (1990)(as amended). The Heads of Terms upon which the legal agreement is being drafted is as follows:

Education

The County Council therefore requests financial contributions as follows:

- £181,655.50 towards the provision of 10 Primary places at Etwall Primary School + additional education facilities.
- £308,363.77 towards the provision of 11 Secondary places at John Port Spencer Academy + additional education facilities.

Service Provision

Reasonable endeavours to provide for NGA broadband infrastructure services as an integral part of the development scheme at the outset.

County Council Monitoring

The fee will be based on the cumulative number of triggers to be monitored for County Council obligations x £73.50 (based on 2 hours officer time Grade 12).

NHS/CCG Contribution

- This is the cost of providing additional accommodation for 140 (B) patients: £38,700.00

- In Mickleover and Mackworth area

Public Open Space

Retained in perpetuity as public open space

Sustainable Urban Drainage

No South Derbyshire nor Derbyshire County council liability to maintain

These contributions and measures have been accepted by the applicant in writing and the legal agreement is currently being drafted as the applicant is liable for all reasonable council costs, even abortive.

In this regard, the proposal would deliver suitable developer contributions inline with Policies INF1, INF2, INF6, S1, S2 and S6 of the LP1 and H23 of the LP2.

Conclusion & Planning Balance

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

In terms of the Local Plan, this is considered to comprise SDDC Local Plan Part 1 (LP1) and SDDC Local Plan Part 2 (LP2). This is considered to be up to date in terms of the relevant policies set out above. On this basis, Paragraph 11 of the NPPF is not 'triggered'.

The northern part of the site is partially allocated for residential use via Policy H19. Surrounding development to the north and west reflect the housing allocation and also provide community infrastructure, albeit a shortfall remains against the allocated amount of housing. The southern part of the site sits outside of any allocation and settlement boundary. However, for the reasons set out above, given the location and context of this element of the site it is considered to be spatially sustainable to acceptably accommodate the proposed 23 dwellings.

Notwithstanding the above, the increased housing is considered to be a benefit as it will help SDDC meet its housing targets and maintain a 5 year housing supply taking pressure off speculative unallocated land. In addition, whilst there are concerns regarding services in the surrounding area, the application would result in developer contributions towards open space, local services and infrastructure considered commensurate to its impact in line with policy INF1 and INF6, and which is also considered a benefit of the scheme, to which minimal weight is given in favour.

The housing proposed is considered to address identified housing need in the area in both market and affordable tenures. This matter is afforded significant weight in favour of the proposal.

New House Farm was listed during the determination of this application. There has been ongoing dialogue with Officers to guide the development in this regard. The objection is noted from Historic England, however, there is no legislative requirement to consult HE on such applications, as it is considered there is a professional capacity to make a robust decision at local level. At local level Officers support the application for the reasons set out and it has been outlined that whilst harm has been found, this is significantly outweighed by the public

benefits in line with Section 66 of the Act and NPPF. Whilst the material consideration of HES position is acknowledged, the asset is considered to be suitably secured in the longterm, overall no weight is afforded against the proposal in this matter.

The technical matters of highways and access are understood to be of considerable concern based on the public objections. Approaches to both matters have been considered and consulted upon. It is considered that there is a suitable approach which can be controlled via condition to ensure that there is no unacceptable impacts in this regard.

The presence of bats on site is acknowledged, however DWT and the EA do not raise an objection to the proposal. NPPG guidance and Natural England's standing advice has been considered. No objection has been raised by DWT, and biodiversity and ecology has been considered inline with the Habitat Regulations and Environment Act. It is considered that subject to conditions there will be no unacceptable impacts arising with regards to these matters.

For these reasons, on balance, the proposed development is considered to be in accordance with the adopted development plan, overarching policies of the NPPF and wider guidance set out in the NPPG.

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.

It is therefore recommended that the application is approved subject to conditions and a legal agreement.

Equality Implications

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

DMPA/2021/0203

- a) GRANT permission subject to the conditions and planning obligations secured via legal agreement under S106 of the Town and Country Planning Act 1990 (as amended)
- b) GRANT delegated authority to the Head of Planning and Strategic Housing to agree the final wording of the conditions as substantially set out below, in liaison with the Chair of the Planning Committee, and subsequently complete an agreement under section 106 of the Town and Country Planning Act to secure the planning obligations set out in the assessment above;

DMPA/2021/1482

Approve Listed Building consent subject to condition listed below.

DMPA/2021/0203 - 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 the following plans/drawings 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.

Architects Drawings

2270-03-F-Coloured Site Layout.
2270-03-G-Site Layout
2270-03-Site Layout + Fire Hose Tracking
2270-04-01-D-Surface Materials Layout
2270-04-02-C-Building Materials Layout
2270-05-B-Boundary Treatment Layout
2270-11-C-Streetscenes
2270-12-C-Visuals
2270-13-Visuals Rev A
2270-14-Visuals Rev A
2270-15-A-REFUSE STRATEGY

Barn Refurbishment

2270-38-Refurb 2O
2270-39-Refurb 2O
2270-40-Refurb 2O

Affordable Dwellings

AH-1-609
AH-2-757A
AH-3-915

Dwellings on south of site

H-4-1321-MORGAN-FORMAL STYLE 2
H-3-1004-COMBER-FORMAL
H-3-978-CARDEW-FORMAL STYLE 2
H-4-1321-GARDENER-FORMAL STYLE 2
H-3-1440 HORNE - FORMAL STYLE 2
H-3-1443-HEYWOOD - FORMAL STYLE 2
H-4-1710 KIPLING - FORMAL STYLE 2
H-5-2167-THE STANSFIELD

Dwellings around Listed Asset

Plots 7-9 - 1201-1085-1244
Plots 10-12 - 1201-1085-1244
Plots 13-15 - 755-915-915
Plots 16-18 - 1085-1085-1201
Plots 19-20 - 1244-1201

Garages

Garage plans 2270-DGAR-10
Garage plans 2270-DGAR-13
Single Garage Plans 2270-SGAR-3

Landscaping

22-116-P-01B - Detailed Landscape Proposals (1of4)
22-116-P-02B - Detailed Landscape Proposals (2of4)
22-116-P-03B - Detailed Landscape Proposals (3of4)
22-116-P-04B - Detailed Landscape Proposals (4of4)

Other Documents

Design and Access Statement October 2022
Trees - HTL17124 Mickleover Rev A
FRA - 19060 221006 FRA With Appendices
Ecology - RSE_6286_L1_V1
Noise - 12815.04.v1 Old Etwall Road, Mickleover, Derby
Drainage Strategy - 19060 010G Drainage Strategy
Heritage - CE-MO-1539 -RP01 - v3.0_reduced
Existing Buildings Survey E2552-01
Existing Buildings Survey E2552-02
Existing Buildings Survey F2552-01A
Gas Letter DC/GML18262/GL1
FRA - 19060 221006 FRA With Appendices
Phase I and II Geo-Environment Part 1 GML18262
Phase 1 and II Geo-Environmental statement Appendix GML18262
Highways - FW DMPA20210203 - New House Farm Old Etwall Road Mickleover

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

Pre Commencement

3. a) No development shall take place until a Written Scheme of Investigation informed by possible field work, for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and
 1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation

- b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a).

c) The development shall not be occupied until the site investigation and post investigation reporting has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for publication and dissemination of results and archive deposition has been secured.

Reason: In the interests of archaeology and designated heritage asset protection, conservation and recording.

4. The contents of the Phase I and II Geo-environmental Investigation from Geomatters Ltd ref GML18262/2/0 dated Sept 2019 are noted and in particular the contents of Section 12 (Recommendations).

The development hereby permitted shall not begin until a scheme to deal with contamination of land & ground gas has been submitted to and approved in writing by the local planning authority. The scheme shall include all of the following measures, unless the local planning authority dispenses with any such requirement specifically in writing:

1. A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation shall be stated, and how this will be validated. Any ongoing monitoring shall also be determined.
2. 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.
3. 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, in accordance with local planning policy SD4.

5. No works will take place at the application site, until a detailed Arboricultural Method Statement (AMS) has been submitted to the LPA and approved in writing. The AMS will include all relevant details to protect the retained trees, including a detailed Tree Protection Plan. Relevant details may include but are not limited to construction methods, construction traffic management, demolition methods, finished levels, ground protection, landscaping methods and materials, material storage, service runs, and tree protection barrier fencing. The AMS will also include details of a clerk of works schedule that specifies arboricultural supervision at appropriate stages of the development process. Any variations to the details of the AMS must only be undertaken after the proposed variations have been agreed in writing by the LPA.
6. 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:

Flood Risk Assessment and Drainage Strategy prepared by Travis Baker Limited, Ref: 19060 Dated 26/01/2021 “including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team”

b. And DEFRA’s Non-statutory technical standards for sustainable drainage systems (March 2015),

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.

7. 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 80 reference ID: 7-080-20150323 of the planning practice guidance and to obtain a full understanding of the springs within the site and any associated mitigation requirements.”

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.

And to ensure that development will be safe from flood risk including from groundwater and natural springs.

8. Prior to commencement of the development, the applicant shall submit for approval to the LPA 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 LPA, 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.

9. The attenuation pond should not be brought into use until such a time as it is fully designed and constructed in line with CIRIA SuDS manual C753 and to the agreed specifications on documents:
- Flood Risk Assessment and Drainage Strategy prepared by Travis Baker Limited, Ref: 19060 Dated 26/01/2021 “including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team and an associated management and maintenance plan, in line with CIRIA SuDS Manual C753 is submitted to and approved in writing by the Local Planning Authority”

Reason: To ensure that the proposed attenuation pond does not increase flood risk, that the principles of sustainable drainage are incorporated into the proposal, the system is operational prior to first use and that maintenance and management of the sustainable drainage systems is secured for the future.

10. No development shall occur until the accesses for construction purposes have been provided in accordance with a detailed design first submitted to and approved in writing by the Local Planning Authority. The detailed design shall also include appropriate visibility sightlines and measures for warning other highway users of construction traffic entering or emerging from the site access. The access shall be retained in accordance with the approved scheme throughout the construction period free from any impediment to its designated use, and subsequently removed and the adopted highway made good after the construction has ceased.

Reason: To ensure safe and suitable access for all users, in the interests of maintaining highway efficiency and safety, recognising that even initial preparatory works could bring about unacceptable highway safety impacts.

11. The development shall be carried out in accordance with the mitigation and compensation strategy detailed in section 4.3.3 of the Bat Survey Report prepared by Quants Environmental dated September 2020 unless varied by a European Protected Species licence subsequently issued by Natural England, a copy of which shall be submitted to the Local planning Authority. The agreed features for roosting bats shall be permanently installed in accordance with the approved details.

12. Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) for the proposed development shall be submitted to and approved in writing by the Local Planning Authority.

The CEMP shall provide details of how demolition and construction works are to be undertaken and include:

- i) The identification of stages of works;
- ii) The parking of vehicles of site operatives and visitors;
- iii) The erection and maintenance of security hoarding including external safety and information signage, interpretation boards, decorative displays and facilities for public viewing, where appropriate;

- iv) Details of working hours, which unless otherwise agreed with the Local Planning Authority shall be limited to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays); There shall be no such activities whatsoever on Sundays, public holidays and bank holidays.
- v) Details of all plant and machinery to be used during preparatory and construction stage, including an inventory of all Non-road Mobile Machinery (NRMM);
- vi) Details of any further Unexploded Ordnance Surveys;
- vii) Details of community engagement arrangements and complaints procedure;
- viii) Details of a acoustic hoarding on boundary of site;
- ix) Details of mitigation measures any species identified on site;
- x) Details for avoiding vegetation clearance during the bird nesting season;
- xi) A temporary drainage strategy and performance specification to control surface water runoff and Pollution Prevention Plan (in accordance with Environment Agency guidance);
- xii) Details of external lighting demonstrating no unacceptable impact on wildlife;
- xiii) Details of noise, dust and air quality monitoring and compliance arrangements, including provision for monthly attendance at the Parish council meeting;
- xiv) Details of measures to remove/prevent re-colonisation of non-native species;
- xv) The appointment of an Ecological Clerk of Works to oversee the works and approved monitoring and compliance arrangements;
- xviii) Access and protection measures around the construction site for pedestrians, cyclists and other road users;
- xiv) Use of protective fences, exclusion barriers and warning signs.
- xv) The location and timing of sensitive works to avoid harm to biodiversity features;
- xvi) The times during construction when specialist ecologists need to be present on site to oversee works;
- xvii) any proposed temporary traffic management;
- xviii) routes for construction traffic to and from the site and measures to ensure adherence to the approved routing plan for vehicles under the applicant's / developer's control; and
- xix) storage of plant and materials

The Proposed Development shall only be carried out in accordance with an approved CEMP.

Reason: To safeguard residential amenity, to ensure safe and suitable access for all users, in the interests of highway safety, recognising that initial preparatory works could bring about unacceptable impacts / inconvenience for existing highway users / nearby residents and protect areas of nature conservation interest.

Prior to completion / standalone trigger

13. Prior to their incorporation into the development a scheme for the hard and soft landscaping of the site shall be submitted to an approved in writing by the LPA. The landscaping scheme shall include details of hard and soft landscaping, including any tree removal/retention, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, and hedge or grass establishment), schedules of plants noting species, plant sizes and proposed numbers/densities and an implementation and management programme.

All hard and soft landscaping work shall be completed in full accordance with the approved scheme, prior to occupation or within the first planting season following the completion of the development hereby approved or in accordance with a programme of writing with the local planning authority.

Any trees, shrubs or plants planted in accordance with this condition which are removed, die, become damaged or diseased within five years of planting shall be provided for as permitted and maintained accordingly for the period outlined above.

Reason: To ensure good arboricultural practice in the interests of the maintenance of the character and appearance of the area, to comply with British Standard 5837 and to ensure compliance with BNE4.

14. Prior to their incorporation into the dwellings hereby approved, details of the colour of doors, garage doors, window frames, fascias and meter boxes shall be submitted to and approved in writing by the Local Planning Authority. The door, window frame, fascia and meter box colours shall be installed in accordance with the approved details.

Reason: In the visual interest of the buildings and local distinctiveness.

15. Prior to the occupation of the site, the LPA will be provided with clear and obvious proof that the details of the AMS have been adhered to, including the clerk of works supervision schedule. Proof will be demonstrated through the submission of a series of brief reports or single larger report, which summarise the details of each clerk of works visit, including where relevant photographic evidence of adherence to the AMS and TPP.

16. Prior to their incorporation into the dwellings hereby approved, details of the eaves, verges, cills and lintels shall be submitted to and approved in writing by the Local Planning Authority. The details shall include drawings to a minimum scale of 1:10. The eaves, verges, cills and lintels shall be constructed in accordance with the approved drawings.

Reason: In the visual interest of the buildings and local distinctiveness.

17. Prior to the first occupation of any dwelling hereby permitted, space shall be provided within the plot curtilage for the parking of vehicles, laid out in accordance with the application drawing and maintained throughout the lifetime of the development free from any impediment to its designated use. 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, the garages and parking spaces to be provided in connection with each dwelling erected shall not be used other than for the parking of vehicles except with the prior grant of planning permission pursuant to an application made to the Local Planning Authority in that regard.

Reason: To ensure suitable provision of parking, residential amenity and inline with SDDC Design Supplementary Planning Document

18. No dwelling shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details or until such time as an Agreement has been entered into under Section 38 of the Highways Act (1980).

Reason: To ensure suitable and acceptable access to the development is maintained for the lifetime of the development

19. Prior to the first occupation of any dwelling on site hereby approved, the details of the Locally Equipped Area of Play (LEAP) shown on the proposed layout plan Proposed Site Layout – (dwg. ref. 2270-03-G-Site Layout.) shall be submitted to and agreed in writing by the Local Planning Authority. The details shall be installed prior to the occupation of any dwelling and once installed, the LEAP shall be retained in perpetuity and maintained in good working order for the lifetime of the development.

Reason: In the interests of promoting on-site recreation, community interaction, play and healthy lifestyles and in the interests of the landscape and overall character of the site.

20. No construction above foundations level shall commence until a scheme for the creation of suitable nesting sites for swallows along with a timetable for the provision of such measures, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: To ensure no unacceptable impacts on wildlife and provide suitable habitats in the interests of nature conservation.

21. Prior to the first occupation of the development hereby approved, a scheme for electric vehicle charging points including locations noted on a plan and specification of wall or stand style shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include 1 no. charging point per dwelling. Charging points should be provided with an IP65 rated domestic 13amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. This socket should be located where it can later be changed to a 32amp EVCP. The electric vehicle charging points shall be provided and available for first use on a prior to first occupation of the dwelling they are associated with basis and once installed, shall be maintained in good working order.

Reason: In the interests of promoting sustainable forms of transport and in the interests of pollution control and reducing and minimising emissions from vehicles.

22. Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the LPA 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 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). Such approved measures will be implemented in full.

Reason: To safeguard residential amenity, ensure no unacceptable impacts on wildlife and protect areas in the interests of nature conservation.

23. Prior to completion of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls). Reason: To ensure that the drainage system is constructed to the national Non-statutory technical standards for sustainable drainage and CIRIA standards C753.

Reason: To ensure that the drainage system is constructed to the national Non-statutory technical standards for sustainable drainage and CIRIA standards C753.

24. Prior to the completion of the development a Landscape and Biodiversity Enhancement and Management Plan (LBEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The aim of the LBEMP is to enhance and sympathetically manage the biodiversity value of on-site and off-site habitats and should combine both the ecology and landscape disciplines. It shall be suitable to provide to the management body responsible for the site and shall include the following: -
- a) Description and evaluation of features to be created and managed including areas of wildflower grassland, flowering lawns, trees and shrubs.
 - b) Locations of bat boxes and 37 integrated swift bricks in line with British Standard BS 42021:2022
 - c) Details of hedgehog connectivity gaps including a plan showing locations - (gaps 130 mm x 130 mm and/or railings and/or hedgerows).
 - d) Aims and objectives of on-site management.
 - e) Ecological trends and constraints on site that might influence management.
 - f) Appropriate management methods and practices to achieve aims and objectives.
 - g) Prescriptions for management actions.
 - h) Preparation of a work schedule (including a five-year work plan capable of being rolled forward in perpetuity).
 - i) Details of the body or organization responsible for implementation of the plan.
 - j) Ongoing monitoring and remedial measures including benchmarking of the site enhancement areas against the DEFRA conditions sheets reportable to the authority at 5-, 10-, 15- and 30-years post completion
- The land used as to secure the Biodiversity Net Gain shall be

held for that use only in perpetuity/for the lifetime of the development.

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 plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LBEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of safeguarding against harm to protected species throughout the construction period and for the life of the development.

Compliance

25. All verges shall be finished in a mortar finish. There shall be no use of dry verge (cloaking tile) systems.

Reason: In the visual interest of the buildings and local distinctiveness.

26. Gutters and downpipes shall have a black finish and be fixed direct to the brickwork on metal brackets. No fascia boards shall be used.

Reason: In the visual interest of the buildings and local distinctiveness.

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

Reason: To ensure no unacceptable impacts on wildlife and protect areas in the interests of nature conservation.

28. A welcome pack shall be provided for all new occupiers of the development which shall contain information and advice about reducing travel behaviour which will reduce air pollution. The welcome pack shall contain information promoting local walking, cycling, public transport and car-sharing opportunities. The contents of the welcome pack shall be submitted to and agreed by the local planning authority.

Reason: In order to safeguard the amenities of the occupiers of the proposed development in respect of atmospheric pollution in compliance with the South Derbyshire Design SPD & policy BNE1.

29. The amenity of the proposed new residential use will need to be adequately protected from the existing noise sources near to the proposed development.

The noise mitigation measures described in the Noise Assess report ('The Noise Report') reference 12815.03.v1 dated December 2021 shall be implemented in full prior to the occupancy of the individual residential unit to which the mitigation measure relates:

The boundary fence treatment shall be in accordance with para 4.4. and 4.5 of the Noise Report. Roof construction shall be in accordance with para 4.10 and 4.11 of the Noise Report. Glazing and ventilation specifications shall be in accordance with para 4.12 to 4.15 of the Noise Report.

Reason: To protect those living in the dwellings from traffic or other external noise sources, in accordance with local planning policy SD1.

30. Prior to the completion of development including preparatory works the details of any fencing (including temporary) including the specification of suitable mammal gaps shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of safeguarding against harm to protected species during the period of construction and throughout the life of the development.

31. Throughout the period of construction vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.

Reason: In the interest of highway safety and that there would be no debris on the highway during the construction period.

32. Notwithstanding the submitted drawings, bin collection points shall be provided within private land at the entrance to shared private accesses and/or courtyards, sufficient to accommodate two bins per dwelling served, in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority. The bin collection points shall be provided prior to the first occupation of a dwelling to which they serve and shall be retained thereafter free from any impediment to their designated use as such.

Reason: In the interest of highway safety and safeguarding residential amenity

33. 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, the garages and parking spaces to be provided in connection with each dwelling erected shall not be used other than for the parking of vehicles except with the prior grant of planning permission pursuant to an application made to the Local Planning Authority in that regard.

Reason: To ensure adequate parking and turning provision, in the interests of highway safety and to protect amenity and local character.

34. If, during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants

Informatives:

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.

Highways

- a. *Planning permission does not give you approval to work on the public highway. To carry works associated with this planning permission, separate approval must first be obtained from Derbyshire County Council as Highway Authority - this will take the form of a section 184 licence (Highways Act 1980). It is recommended that you make contact with the County Council at the earliest opportunity to allow time for the process to be completed. Information and relevant application forms, regarding the undertaking of access works within highway limits, are available via the County Council's website www.derbyshire.gov.uk email highways.hub@derbyshire.gov.uk or telephone 01629 533190.*
- b. *Planning permission does not give you approval to work on the public highway. Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written agreement of the County Council as Highway Authority. It is strongly recommended that you make contact with the County Council at the earliest opportunity to allow time for the process to be completed, which may take up to 16 weeks. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained by contacting the County Council via email – ete.devcontrol@derbyshire.gov.uk. The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.*
- c. *If an adoption Agreement is not in place when the development is commenced, the Highway Authority is obliged to serve notice on the developer, under the provisions of the Advance Payments Code part of the Highways Act 1980 (section 219 / 220), to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This takes the form of a cash deposit equal to the calculated construction costs and may be held indefinitely. The developer normally discharges his obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highways Act 1980.*
- d. *If the roads within the proposed development are to be offered for adoption by the Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980. Detailed plans will need to be submitted and approved, the Agreement signed and all sureties and fees paid prior to the commencement of development. The Highway Authority reserve the right to charge commuted sums in respect of ongoing*

maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please contact the County Council's Implementation team – email ete.devcontrol@derbyshire.gov.uk

- e. Under provisions within Sections 149 and 151 of the Highways Act 1980, the developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.*
- f. Where the site curtilage slopes down towards the public highway provisions within Section 163 of the Highways Act 1980 requires measures to be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dished channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.*
- g. The layout of swales within the proposed highway limits do not comply with the Highway Authority's Design Guide and the design indicated on the application drawings has not been used elsewhere in the County. The applicant should be aware that their provision will attract a commuted sum for future maintenance purposes and could compromise the future adoption of the new estate streets.*

Drainage

A. The County Council does not adopt any SuDS schemes at present (although may consider ones which are served by highway drainage only). As such, it should be confirmed prior to commencement of works who will be responsible for SuDS maintenance/management once the development is completed.

B. Any works in or nearby an ordinary watercourse may require consent under the Land Drainage Act (1991) from the County Council. For further advice, or to make an application please contact Flood.Team@derbyshire.gov.uk.

C. No part of the proposed development shall be constructed within 5-8m of an ordinary watercourse and a minimum 3 m for a culverted watercourse (increases with size of culvert). It should be noted that DCC have an anti-culverting policy.

D. The applicant should be mindful to obtain all the relevant information pertaining to proposed discharge in land that is not within their control, which is fundamental to allow the drainage of the proposed development site.

E. The applicant should demonstrate, to the satisfaction of the Local Planning Authority, the appropriate level of treatment stages from the resultant surface water discharge, in line with Table 4.3 of the CIRIA SuDS Manual C753.

F. The County Council would prefer the applicant to utilise existing landform to manage surface water in mini/sub-catchments. The applicant is advised to contact the County Council's Flood Risk Management team should any guidance on the drainage strategy for the proposed development be required.

G. The applicant should provide a flood evacuation plan which outlines:

- The flood warning procedure*
- A safe point of extraction*
- How users can safely evacuate the site upon receipt of a flood warning*
- The areas of responsibility for those participating in the plan*

- *The procedures for implementing the plan*
- *How users will be made aware of flood risk*
- *How users will be made aware of flood resilience*
- *Who will be responsible for the update of the flood evacuation plan*

H. Flood resilience should be duly considered in the design of the new building(s) or renovation. Guidance may be found in BRE Digest 532 Parts 1 and 2, 2012 and BRE Good Building Guide 84.

I. Surface water drainage plans should include the following:

- *Rainwater pipes, gullies and drainage channels including cover levels.*
- *Inspection chambers, manholes and silt traps including cover and invert levels.*
- *Pipe sizes, pipe materials, gradients, flow directions and pipe numbers.*
- *Soakaways, including size and material.*
- *Typical inspection chamber / soakaway / silt trap and SW attenuation details.*
- *Site ground levels and finished floor levels.*

J. On Site Surface Water Management;

The site is required to accommodate rainfall volumes up to the 1% probability annual rainfall event (plus climate change) whilst ensuring no flooding to buildings or adjacent land.

The applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas, etc, to demonstrate how the 30 year + 35% climate change and 100 year + 40% Climate Change rainfall volumes will be controlled and accommodated. In addition, an appropriate allowance should be made for urban creep throughout the lifetime of the development as per 'BS 8582:2013 Code of Practice for Surface Water Management for Developed Sites' (to be agreed with the LLFA).

Production of a plan showing above ground flood pathways (where relevant) for events in excess of the 1% probability annual rainfall event, to ensure exceedance routes can be safely managed.

A plan detailing the impermeable area attributed to each drainage asset (pipes, swales, etc), attenuation basins/balancing ponds are to be treated as an impermeable area.

Peak Flow Control

For greenfield developments, the peak run-off rate from the development to any highway drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event, should never exceed the peak greenfield run-off rate for the same event.

For developments which were previously developed, the peak run-off rate from the development to any drain, sewer or surface water body for the 100% probability annual rainfall event and the 1% probability annual rainfall event must be as close as reasonably practicable to the greenfield run-off rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development, prior to redevelopment for that event.

Volume Control

For greenfield developments, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hour 1% probability annual rainfall event must not exceed the greenfield runoff volume for the same event.

For developments which have been previously developed, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hour 1% probability annual rainfall event must be constrained to a value as close as is reasonably practicable to the greenfield runoff volume for the same event, but must not exceed the runoff volume for the development site prior to redevelopment for that event.

Note:- If the greenfield run-off for a site is calculated at less than 2 l/s, then a minimum of 2 l/s could be used (subject to approval from the LLFA).

Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional.

Where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning signage should be provided to inform of its presence. Cellular storage and infiltration systems should not be positioned within the highway.

Guidance on flood pathways can be found in BS EN 752.

The Greenfield runoff rate which is to be used for assessing the requirements for limiting discharge flow rates and attenuation storage for a site should be calculated for the whole development area (paved and pervious surfaces - houses, gardens, roads, and other open space) that is within the area served by the drainage network, whatever the size of the site and type of drainage system. Significant green areas such as recreation parks, general public open space, etc., which are not served by the drainage system and do not play a part in the runoff management for the site, and which can be assumed to have a runoff response which is similar to that prior to the development taking place, may be excluded from the greenfield analysis.

K. If infiltration systems are to be used for surface water disposal, the following information must be provided:

- Ground percolation tests to BRE 365.*
- Ground water levels records. Minimum 1m clearance from maximum seasonal groundwater level to base of infiltration compound. This should include assessment of relevant groundwater borehole records, maps and on-site monitoring in wells.*
- Soil / rock descriptions in accordance with BS EN ISO 14688-1:2002 or BS EN ISO 14689-1:2003.*
- Volume design calculations to 1% probability annual rainfall event + 40% climate change standard. An appropriate factor of safety should be applied to the design in accordance with CIRIA C753 – Table 25.2.*
- Location plans indicating position (soakaways serving more than one property must be located in an accessible position for maintenance). Soakaways should not be used within 5m of buildings or the highway or any other structure.*
- Drawing details including sizes and material.*
- Details of a sedimentation chamber (silt trap) upstream of the inlet should be included.*

- Soakaway detailed design guidance is given in CIRIA Report 753, CIRIA Report 156 and BRE Digest 365.*

L. All Micro Drainage calculations and results must be submitted in .MDX format, to the LPA. (Other methods of drainage calculations are acceptable.)

M. The applicant should submit a comprehensive management plan detailing how surface water shall be managed on site during the construction phase of the development ensuring there is no increase in flood risk off site or to occupied buildings within the development

DMPA/2021/1482 - 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 18 of the Planning (Listed Buildings and Conservation Areas) 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 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.

Architects Drawings

2270-03-F-Coloured Site Layout.
2270-03-G-Site Layout
2270-03-Site Layout + Fire Hose Tracking
2270-04-01-D-Surface Materials Layout
2270-04-02-C-Building Materials Layout
2270-05-B-Boundary Treatment Layout
2270-11-C-Streetscenes
2270-12-C-Visuals
2270-13-Visuals Rev A
2270-14-Visuals Rev A
2270-15-A-REFUSE STRATEGY

Barn Refurbishment

2270-38-Refurb 2O
2270-39-Refurb 2O
2270-40-Refurb 2O

Affordable Dwellings

AH-1-609
AH-2-757A
AH-3-915

Dwellings on south of site

H-4-1321-MORGAN-FORMAL STYLE 2
H-3-1004-COMBER-FORMAL
H-3-978-CARDEW-FORMAL STYLE 2
H-4-1321-GARDENER-FORMAL STYLE 2
H-3-1440 HORNE - FORMAL STYLE 2
H-3-1443-HEYWOOD - FORMAL STYLE 2
H-4-1710 KIPLING - FORMAL STYLE 2
H-5-2167-THE STANSFIELD

Dwellings around Listed Asset

Plots 7-9 - 1201-1085-1244

Plots 10-12 - 1201-1085-1244
Plots 13-15 - 755-915-915
Plots 16-18 - 1085-1085-1201
Plots 19-20 - 1244-1201

Garages

Garage plans 2270-DGAR-10
Garage plans 2270-DGAR-13
Single Garage Plans 2270-SGAR-3

Landscaping

22-116-P-01B - Detailed Landscape Proposals (1of4)
22-116-P-02B - Detailed Landscape Proposals (2of4)
22-116-P-03B - Detailed Landscape Proposals (3of4)
22-116-P-04B - Detailed Landscape Proposals (4of4)

Other Documents

Design and Access Statement October 2022
Trees - HTL17124 Mickleover Rev A
FRA - 19060 221006 FRA With Appendices
Ecology - RSE_6286_L1_V1
Noise - 12815.04.v1 Old Etwall Road, Mickleover, Derby
Drainage Strategy - 19060 010G Drainage Strategy
Heritage - CE-MO-1539 -RP01 - v3.0_reduced
Existing Buildings Survey E2552-01
Existing Buildings Survey E2552-02
Existing Buildings Survey F2552-01A
Gas Letter DC/GML18262/GL1
FRA - 19060 221006 FRA With Appendices
Phase I and II Geo-Environment Part 1 GML18262
Phase 1 and II Geo-Environmental statement Appendix GML18262
Highways - FW DMPA20210203 - New House Farm Old Etwall Road Mickleover

Overall Materials

3. Before the ordering of any external materials takes place, precise specifications or samples of the walling and roofing materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development.

Reason: The condition is imposed in order to ensure that the proposed materials of construction are appropriate for use on the particular development and in the particular locality.

4. Before any work to repair the Listed structures, samples or detailed specifications of all external materials to be used on the works hereby granted consent shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed materials.

Reason – In order to secure appropriate detail to enhance the appearance of the development and in the interests of the listed building in accordance with policy BNE2 & BNE10 of the SDDC Local Plan

5. Any new materials required for the purposes of repairs shall match as closely as possible the size, colour, form and texture of the existing.

Reason – In order to secure appropriate detail to enhance the appearance of the development and in the interests of the listed building in accordance with policy BNE2 & BNE10 of the SDDC Local Plan

6. The new materials shall match the existing adjacent in respect of dimensions, colour, texture, face bond, and pointing unless otherwise approved in writing by the Local Planning Authority.

Reason – In order to secure appropriate detail to enhance the appearance of the development and in the interests of the listed building in accordance with policy BNE2 & BNE10 of the SDDC Local Plan

7. Before work begins, sample panel(s) of all new facing work shall be provided on site showing the proposed -
types, sizes, colour, texture face-bond
pointing mortar mix, joint thickness and finish profile

Reason – In order to secure appropriate detail to enhance the appearance of the development and in the interests of the listed building in accordance with policy BNE2 & BNE10 of the SDDC Local Plan

8. Before work begins, proposals for the method and extent of repointing shall be approved in writing with the Local Planning Authority and be carried out accordingly. No other repointing of is authorised by this consent without prior approval of the details.

Reason – In order to secure appropriate detail to enhance the appearance of the development and in the interests of the listed building in accordance with policy BNE2 & BNE10 of the SDDC Local Plan

9. Where second-hand or salvaged bricks are to be used, these are to be entirely cleaned of paint, soot and any other coatings before reuse.

Reason – In order to secure appropriate detail to enhance the appearance of the development and in the interests of the listed building in accordance with policy BNE2 & BNE10 of the SDDC Local Plan

Demolition

10. Before the commencement of works, details shall be submitted and approved with the Local Planning Authority showing the areas of masonry to be demolished and setting out the method of ensuring the safety and stability of the building fabric identified to be retained throughout the phases of demolition and reconstruction. Such details to include structural engineering drawings and/or a method statement. The work shall be carried out fully in accordance with the method statement approved.

Reason – In order to secure appropriate detail to enhance the appearance of the development and in the interests of the listed building in accordance with policy BNE2 & BNE10 of the SDDC Local Plan

Protection of historic fabric

11. Before work begins, details shall be approved in writing by the Local Planning Authority to ensure that precautions are taken to secure and protect the interior and exterior features during the building work. The agreed measures shall be carried out in full. No such features shall be disturbed or removed temporarily or permanently except as indicated on the approved drawings or without the prior approval in writing of the Local Planning Authority.

Reason – In order to secure appropriate detail to enhance the appearance of the development and in the interests of the listed building in accordance with policy BNE2 & BNE10 of the SDDC Local Plan

12. During the works, if hidden historic features are revealed they should be retained in-situ. Works shall be halted in the relevant area of the building and the Local Planning Authority should be notified immediately. Failure to do so may result in unauthorised works being carried out and an offence being committed.

Reason – In order to secure appropriate detail to enhance the appearance of the development and in the interests of the listed building in accordance with policy BNE2 & BNE10 of the SDDC Local Plan

13. Before any internal insulation or damp proofing measures are inserted, details of their construction, materials, design and methods of installation shall be submitted to and agreed in writing by the Local Planning Authority.

Reason – In order to secure appropriate detail to enhance the appearance of the development and in the interests of the listed building in accordance with policy BNE2 & BNE10 of the SDDC Local Plan

14. Before the work begins, a Fire Safety Strategy and Method Statement shall be approved by the Local Planning Authority, and the works carried out in full according to such a Statement.

Reason – In order to secure appropriate detail to enhance the appearance of the development and in the interests of the listed building in accordance with policy BNE2 & BNE10 of the SDDC Local Plan

15. All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing original work adjacent in respect of methods, detailed execution and finished appearance unless otherwise approved in writing by the Local Planning Authority.

Reason – In order to secure appropriate detail to enhance the appearance of the development and in the interests of the listed building in accordance with policy BNE2 & BNE10 of the SDDC Local Plan

16. Before work begins, a schedule showing the retention/re-use of door/doorcases, fire surrounds, decorative plaster work, panelling and so forth, shall be approved in writing by the Local Planning Authority.

Reason – In order to secure appropriate detail to enhance the appearance of the development and in the interests of the listed building in accordance with policy BNE2 & BNE10 of the SDDC Local Plan

17. No cleaning of masonry, other than low pressure (20-100 psi) surface cleaning using a nebulous water spray is authorised by this consent without the prior approval of the Local Planning Authority. Before work begins, any other cleaning proposals must be approved in writing and carried out strictly in accordance with those details. At the commencement of the cleaning, a test panel shall be undertaken in an inconspicuous position and the method recorded to the approval of the Local Planning Authority.

Reason – In order to secure appropriate detail to enhance the appearance of the development and in the interests of the listed building in accordance with policy BNE2 & BNE10 of the SDDC Local Plan

18. All new partitions shall be carefully scribed around the existing ornamental mouldings.

Reason – In order to secure appropriate detail to enhance the appearance of the development and in the interests of the listed building in accordance with policy BNE2 & BNE10 of the SDDC Local Plan

External fixtures & fittings

19. Before they are installed, full details of the siting, appearance and materials to be used in the construction of all extractor vents, heater flues, meter boxes, airbricks, soil and vent pipes, rainwater goods or any other external accretion shall be submitted to and

agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed details.

Reason – In order to secure appropriate detail to enhance the appearance of the development and in the interests of the listed building in accordance with policy BNE2 & BNE10 of the SDDC Local Plan

20. Before work begins, the position, type and method of installation of all new and relocated services and related fixtures (for the avoidance of doubt this includes communications and information technology servicing), shall be specified and agreed in writing with the Local Planning Authority wherever these installations are to be visible, or where ducts or other methods of concealment are proposed. The works shall be implemented only in accordance with such approval.

Reason – In order to secure appropriate detail to enhance the appearance of the development and in the interests of the listed building in accordance with policy BNE2 & BNE10 of the SDDC Local Plan

Roofing

21. Before roofing works are undertaken, a sample panel of roofing shall be laid, showing the material, coursing, sizing, method(s) of fixing, head lap length(s), exposure length(s) and extent of mortar use. The lime mortar mix shall also be specified in writing. The sample panel and mortar mix shall then be agreed in writing with the Local Planning Authority. The completed roof shall only be in accordance with the agreed sample panel.

Reason – In order to secure appropriate detail to enhance the appearance of the development and in the interests of the listed building in accordance with policy BNE2 & BNE10 of the SDDC Local Plan

22. Before the construction of any verges or eaves, details of the treatment of verges and eaves hereby granted consent shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed verges and eaves details.

Reason – In order to secure appropriate detail to enhance the appearance of the development and in the interests of the listed building in accordance with policy BNE2 & BNE10 of the SDDC Local Plan

23. Ventilation of the roof space shall not be provided via tile vents.

Reason – In order to secure appropriate detail to enhance the appearance of the development and in the interests of the listed building in accordance with policy BNE2 & BNE10 of the SDDC Local Plan

24. Before the rooflights hereby granted consent are installed, a detailed specification of all new rooflights shall be submitted to and agreed in writing with the Local Planning

Authority. The works shall only be carried out in accordance with the approved details. The rooflight(s) specification shall include details of:

Size;

Material;

Colour;

Method of opening;

Method of fixing; and

Appearance.

Reason – In order to secure appropriate detail to enhance the appearance of the development and in the interests of the listed building in accordance with policy BNE2 & BNE10 of the SDDC Local Plan

25. Rooflights shall be installed flush with the roofline.

Reason – In order to secure appropriate detail to enhance the appearance of the development and in the interests of the listed building in accordance with policy BNE2 & BNE10 of the SDDC Local Plan

Rainwater goods

26. Before the rainwater goods hereby granted consent are installed, samples or detailed specifications of all rainwater goods (including the method of fixing) shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed rainwater goods details.

Reason – In order to secure appropriate detail to enhance the appearance of the development and in the interests of the listed building in accordance with policy BNE2 & BNE10 of the SDDC Local Plan

Mortar

27. The raking out of loose mortar for the purpose of re-pointing shall be carried out by tools held in the hand and not by power-driven tools. Details of the extent of the re-pointing shall be submitted to and agreed in writing by the Local Planning Authority before the repointing hereby granted consent is carried out. The works shall be carried out only in accordance with the agreed repointing details.

Reason – In order to secure appropriate detail to enhance the appearance of the development and in the interests of the listed building in accordance with policy BNE2 & BNE10 of the SDDC Local Plan

28. Before the repointing hereby granted consent is carried out, details of the mortar to be used for re- pointing (including mortar mix, colour, texture and pointing finish) shall be

submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed repointing and mortar details.

Reason – In order to secure appropriate detail to enhance the appearance of the development and in the interests of the listed building in accordance with policy BNE2 & BNE10 of the SDDC Local Plan

29. Mortar for the purposes of re-pointing shall be carried out using hydraulic lime or lime putty. The sand mix, colour, texture and pointing finish shall match as closely as possible the historic pointing found elsewhere on the building.

Reason – In order to secure appropriate detail to enhance the appearance of the development and in the interests of the listed building in accordance with policy BNE2 & BNE10 of the SDDC Local Plan

30. A specification for the external render to be used shall be submitted to and agreed in writing by the Local Planning Authority. The works shall only be carried out in accordance with the approved details. The specification shall define:

The mortar mix,
The number of coats and finish, including colour,
Backing and edging materials,
The relationship to existing finishes and openings.

Reason – In order to secure appropriate detail to enhance the appearance of the development and in the interests of the listed building in accordance with policy BNE2 & BNE10 of the SDDC Local Plan

31. Before any cleaning of masonry is carried out, details of the method of any masonry cleaning shall be submitted to the Local Planning Authority and a test panel(s) undertaken in a position to be agreed with the Conservation Team. The submitted cleaning method and the test panel must then be agreed in writing with the Local Planning Authority. The works shall only be carried out in accordance with the approved cleaning details.

Reason – In order to secure appropriate detail to enhance the appearance of the development and in the interests of the listed building in accordance with policy BNE2 & BNE10 of the SDDC Local Plan

32. Confirmation of the materials and methods shall be approved in writing with the Local Planning Authority and carried out accordingly. The approved sample panel(s) shall be retained on site until the work is completed and the Condition is discharged.

Reason – In order to secure appropriate detail to enhance the appearance of the development and in the interests of the listed building in accordance with policy BNE2 & BNE10 of the SDDC Local Plan

Joinery

33. Before work begins, a schedule and annotated plan showing the full extent of alteration works to existing windows shall be approved in writing by the Local Planning Authority and the work agreed carried out in full.

Reason – In order to secure appropriate detail to enhance the appearance of the development and in the interests of the listed building in accordance with policy BNE2 & BNE10 of the SDDC Local Plan

34. Before the windows and doors hereby approved are installed, details of their material, design, specification, method of opening, method of fixing and finish, in the form of drawings and sections of no less than 1:20 scale, shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed window and door details.

Reason – In order to secure appropriate detail to enhance the appearance of the development and in the interests of the listed building in accordance with policy BNE2 & BNE10 of the SDDC Local Plan

35. The new joinery work shall match the existing joinery adjacent in respect of materials, dimensions and profiles, unless otherwise agreed in writing by the Local Planning Authority.

Reason – In order to secure appropriate detail to enhance the appearance of the development and in the interests of the listed building in accordance with policy BNE2 & BNE10 of the SDDC Local Plan

36. Trickle vents shall not be inserted into the windows/doors.

Reason – In order to secure appropriate detail to enhance the appearance of the development and in the interests of the listed building in accordance with policy BNE2 & BNE10 of the SDDC Local Plan

37. Before any window or door heads and cills are installed, details of their design, material and construction, in the form of scale drawings and material samples/specifications, shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed heads and cills details.

Reason – In order to secure appropriate detail to enhance the appearance of the development and in the interests of the listed building in accordance with policy BNE2 & BNE10 of the SDDC Local Plan

38. Before work begins, the details of the type and colour(s) of the protective finish to be used on all external timber joinery shall be agreed in writing with the Local Planning Authority. All glazing shall be face-puttied.

Reason – In order to secure appropriate detail to enhance the appearance of the development and in the interests of the listed building in accordance with policy BNE2 & BNE10 of the SDDC Local Plan

39. Before work begins, details shall be approved in writing by the Local Planning Authority to ensure that precautions are taken to secure and protect the windows during the building work, particularly the historic window glass. The agreed measures shall be carried out in full. No such features shall be disturbed or damaged or removed temporarily or permanently to facilitate protection except as indicated on the approved drawings or with prior approval in writing. Any intact historic window glass damaged during the building work shall be reported to the Local Planning Authority and shall be replaced like-for-like from a suitable approved source.

Reason – In order to secure appropriate detail to enhance the appearance of the development and in the interests of the listed building in accordance with policy BNE2 & BNE10 of the SDDC Local Plan

Access for the Conservation Officers

40. Access shall be afforded at all reasonable times to allow the Council's Conservation Officer, or other representative, to inspect the works whilst these are in progress and upon completion.

Reason – In order to secure appropriate detail to enhance the appearance of the development and in the interests of the listed building in accordance with policy BNE2 & BNE10 of the SDDC Local Plan

41. Before work begins a site meeting shall be held between the local planning authority and the persons responsible for undertaking the works to ensure that the Conditions attached to the Listed Building Consent are understood and can be complied with in full. Notification of the date and time of a meeting shall be made in writing to the Local Planning Authority.

Reason – In order to secure appropriate detail to enhance the appearance of the development and in the interests of the listed building in accordance with policy BNE2 & BNE10 of the SDDC Local Plan

42. Before work begins it shall be agreed in writing with the Local Planning Authority the appropriately qualified professional specialising in conservation work who will supervise the hereby approved works of alteration or demolition. Any proposed changes to the agreed supervision arrangements shall be subject to the prior written agreement of the LPA.

Reason – In order to secure appropriate detail to enhance the appearance of the development and in the interests of the listed building in accordance with policy BNE2 & BNE10 of the SDDC Local Plan

Informative Notes

1. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
2. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.

Appendix A

The Historic England listing is as follows:

Details 'A late-c17 lobby entry farmhouse, extended in the c19 with attached c18 and early c19 barn ranges.

MATERIALS: constructed of brick with slate roofs, the farmhouse has a stucco render. The two-storey barn has a steel roof structure and internal structural supports.

PLAN: the farmstead forms a U-shape enclosing a yard open to the south, with the farmhouse at its centre.

EXTERIOR: the farmhouse is three bays with three storeys and a roughly central c19 porch. The principal façade largely contains c19 casement windows with the exception of three regular large openings on the ground floor to the left of the entrance, which would once have housed sashes but are now c20 replacements. The c19 extensions form two two-storey abutting ranges to the rear of the farmhouse, all now with c20 casements. To the west of the farmhouse, at the left-hand side of the yard, the former service end of the building drops to two storeys and continues to the west to meet the two-storey barn which runs north to south with a single storey section at the southern end. The barn is constructed in an irregular bond and has ventilation holes on its western and southern ends, now all blocked. The western façade of the building has a large inserted opening at its northern end and a further large opening to the north situated within one of the c19 outshuts. A c20 external brick stair to access the grain storage above is situated to the south of the openings followed by two doors further to the south., with window openings and casements in between. On the first floor are two taking-in doors for hoisting grain above the stables for storage. To the south the barn is abutted by a single storey range with king-post roof which turns to run along Old Etwall Road as a series of cart sheds with open bays to the north. To the right (east) of the farmhouse is a converted carriageway, linking the courtyard with the land, to the rear. To the right of this the barns continue to both the east and south, the late-c19 range to the very east is a later addition and is not included in the List entry. The barns are single-storey and constructed of brick in an irregular bond with casement windows and stone lintels. The barn range running roughly north-west to south-east enclosing the yard has a hipped roof.

INTERIOR: the house has a lobby-entry plan and opens onto the central chimney stack with former hall to the right and parlour beyond. The former hall features a chamfered ceiling beam with ogee stops running west to east and a heck post at the lobby screen to support the hearth beam to its rear. To the rear of the hall is a C19 inserted stair, behind the original rear wall. The former parlour has a further beam with ogee stops and a C19 window with shutters at its southern end; the fire surround is modern. On the other side of the former hall, is an additional room likely to have once been the kitchen, now a further reception room, located at the service end of the building. There are further unchamfered beams in this room, indicating the lower-status end of this building. To the rear the building continues into the c19 extensions containing a modern kitchen, cloakroom facilities and a secondary stair.

The first-floor plan of the earlier farmhouse mirrors that of the storey below with three bedrooms each with ceiling beams with ogee stops, all linked by a corridor to the north. A linen cupboard with C19 pegs survives between the bedrooms. An additional bedroom and two bathrooms are situated in the upper storey of the C19 extension, with C19 plank doors and a fireplace within one of the bathrooms. The majority of the attic storey roof has been replaced in the c20.

The two-storey barn has stabling at ground-floor level with three C19 horse stalls with cast-iron columns and ball finials and timber boxes below the iron rails. The stalls all retain their iron hay racks and have brick paved flooring. On the first floor of this range, at the northern end of the building, is an iron winch for hoisting up grain. The barn continues at first-floor level to the east, above the former farmhouse kitchen, to extend into the former service range. Below this, at ground-floor level next to the former kitchen, is a singlecell room also with brick paved flooring

and remnants of a timber hay rack, with a door leading directly onto the main yard. The interior of the early-c19 barn range to the south east of the farmhouse was not inspected.

SUBSIDIARY FEATURES: a brick wall with brick piers and gates runs along Old Etwall Road to the south of the farmhouse and enclosing the yard. The wall has brick coping and the piers have stone courses and capping.

The Historic England listing description details the reasons for the designation as follows:

'Architectural interest: The farmhouse is likely to date to the late-C17 and clearly retains its lobby entry plan-form with three rooms on both the ground and first floor; despite replacement windows and the loss of some fixtures, the farmhouse retains many of its internal fittings, including chamfered beams with ogee stops and a C19 linen cupboard; despite the loss of the western barn's roof structure, it retains important fittings including a winch mechanism for hoisting grain and later staling.

Historic interest: The legibility of the farmhouse's plan-form helps to demonstrate how its inhabitants used the building from the late-C17, with a hall, parlour and service end clearly legible; the later phases of the farm, particularly the eastern barns enclosing the main courtyard, show the development and expansion of the farm into the C19.

*Group value: *together the farmhouse and barns form a strong group enclosing a yard to their south, with brick boundary wall.*

REPORT TO:	PLANNING COMMITTEE	AGENDA ITEM: 5
DATE OF MEETING:	07 FEBRUARY 2023	CATEGORY: DELEGATED
REPORT FROM:	HEAD OF PLANNING AND STRATEGIC HOUSING	RESTRICTED DO0
MEMBERS' CONTACT POINT:	JESSICA CHEADLE jessica.cheadle@southderbyshire.gov.uk	
SUBJECT:	DEED OF VARIATION – LAND OFF RYDER CLOSE, CASTLE GRESLEY	REF: DMPA/2021/0579 & DMPA/2022/1447
WARD(S) AFFECTED:	CHURCH GRESLEY	TERMS OF REFERENCE

1.0 Recommendations

- 1.1 That the Committee approves the request to amend the Section 106 Agreement (S106) to include amendments to be made to the first schedule of the Section 106 Agreement - Owners Covenants and a new paragraph be inserted under paragraph 2 – Natural England Licence. This is based upon recommendations that have been received from Strategic Housing and Development Manager.
- 1.2 That the Committee delegate authority to the Head of Planning and Strategic Housing to agree the finer detail and wording of the obligations to be secured under the DoV.

2.0 Purpose of Report

- 2.1 To inform the Committee of the proposed changes to the S106 Agreement, Land off Ryder Close.

3.0 Background

- 3.1 Members may recall that the site, was granted planning permission for up to an extension to the existing storage yard and creation of creation of car parking. The Section 106 agreement can be found under permission reference [DMPA/2021/0579](https://www.southderbyshire.gov.uk/Document/Details/106/106-DMPA/2021/0579).
- 3.2 South Derbyshire District Council has received a request from Keystone Lintels for the variation of condition 2 (approved plans) and amendments to the Great Crested Newt Mitigation Strategy through a S73 application.
- 3.3 The ownership of the has been transferred from 'St. Modwen Homes Limited' to 'The Sycamore Avenue Company Limited'.

4.0 Discussion

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- 4.1 The Council has been approached by Keystone Lintels, as they would like to use Natural England's District Level Licensing Scheme therefore the mitigation will take

place off site rather than on site as previously approved.

- 4.2 The previously approved plans would be amended to remove the pond that was approved to be located on site.
- 4.3 District Level Licensing is a method that it aims to increase the number of Great Crested Newts by providing new or better habitats in targeted areas as specified by Natural England in order to benefit their wider population
- 4.4 The S106 DoV will amend the S106 agreement in order to bind the S73 application as well as the original planning application. With a further condition in place that fully ensures the application mitigates the effects by following the regulations and by applying for the licence from Natural England.

5.0 Financial Implications

- 5.1 There are no financial implications associated to the Council for this change as the costs of the DoV will be paid for by Keystone Lintels as they have requested the amendments.

6.0 Corporate Implications

- 6.1 None.

7.0 Community Implications

- 7.1 None. .

8.0 Background Information

- a) Section 106 Agreement:
[Planning Applications, Decisions and Appeals \(southderbyshire.gov.uk\)](https://www.southderbyshire.gov.uk)