
Delegated report Officer: Eleanor Overton

Application ref. DMOT/2019/0917

Application for approval of details required by conditions 10 and 21 attached to planning permission ref. 9/2017/1293 (relating to approval of outline permission ref. 9/2017/1293 for the erection of up to 45 dwellings) at Land at SK2430 7995, Derby Road, Hilton, Derby

Valid date: 26/07/2019

Consults expired: 06/11/2019

This decision is delegated to officers under the terms of the current Scheme of Delegation.

Responses to consultations and publicity

Derbyshire County Archaeology has commented that the applicant has submitted a WSI for archaeological evaluation – however the archaeological evaluation has taken place on site, but a report on the findings is awaited. On this basis it is advised that the applicant should submit the report on the evaluation work so that either the condition can be discharged or it can be determined that a further phase of work is needed.

The additional report on the findings has been provided and in response, Derbyshire County Archaeology have commented as follows:- the work identified a few possible archaeological features in the northern part of the site, although the pit-like features are interpreted as being probably natural in origin. Two shallow linear features may have formed part of a field system, though these were substantially truncated (as was much of the site), and remain undated.

The earlier road course through the site was also investigated, and while the route was identified as a higher ridge of ground, there was no evidence for early road surfaces or associated features.

On the basis of the report findings, it is not felt that the slender evidence for archaeological remains within the site merits any further investigation under the East Midlands Historic Environment Research Framework or the policies at NPPF chapter 16. On account of this, it is confirmed that the condition can be discharged.

The county archaeologists have also provided a response to the issues raised within the letter of neighbour representation. It has been confirmed that the results of any assessment could be shared. It is also stated that where archaeological fieldwork takes place under a planning condition it's not usual for it to be considered part of the 'development' or 'works' consented. In general the archaeological works have the status of enabling work which is usually conditioned to take place pre-commencement. This means that the archaeological workers wouldn't automatically have been covered by the wording in the amphibian method statement unless specifically worded to include it (and particularly as the method statement has been submitted after the archaeology took place).

Derbyshire Wildlife Trust have commented that the submitted Biodiversity Enhancement Scheme produced by fpcr dated July 2019 provides details of the incorporation of bat and bird boxes within the development to achieve a net gain in biodiversity. On this basis they have advised that the details are acceptable for the purpose of discharging condition 21 and should be implemented.

One letter of neighbour representation has been received, this raises the following issues:-

Condition 10 is for a Written Scheme of Investigation (WSI) for archaeological monitoring i.e. it is the authority to carry out the work to a prescribed process. This work has already been carried out in July 2019 without the WSI being approved. It is assumed that the University of Leicester (ULAS) was instructed to carry out the work. This surely means that Bellway and/or SDDC are in breach of the planning process and paragraph 8.1 of the WSI. On this basis concern is raised that the conditions of the outline planning permission will not be followed.

Had the WSI been submitted before the work had been carried out, the following comments would have been made: 1) The WSI refers to the 1881 ordnance survey map whereas there is an earlier map dated 1781. The local History Group would be very happy to make this map available to ULAS. 2) Under paragraph 10 Public Engagement and Publicity, the results should be made available to the Parish Council and the local History Group.

As the work has been completed it is also not possible to say if the work was carried out in accordance with the WSI. The answer is that generally the work was carried out as set down in the WSI but there were some minor divergences which are probably not material depending on the draft report that should now be ready.

Paragraph 9.3 states that a draft digital version of the report will be provided to SDDC for approval, although the paragraph appears to have some subsequent words missing. Has this digital version been provided? I request that the draft report is made available on the SDDC planning website under this planning application.

Condition 21 concerns a Biodiversity scheme. The submitted Biodiversity Scheme states that it is 'in line with the Extended Phase 1 Habitat Survey report (AES-Ltd)' In fact, the recommendations in the AES report are more far reaching than the submitted Biodiversity scheme. The submitted scheme incorporates the bat boxes recommendation 7.13 of the AES report. It also incorporates the Bird boxes/pouches recommendation 7.14. However, the report is explicit that the 3 x Schwegler 1 SP Sparrow Terrace Nest Boxes are to be installed in the gable ends of the properties identified. What is not addressed in the scheme is what is to stop the occupiers from removing the bat boxes/bird boxes from their properties? Also, who is to clean the bird boxes? For the biodiversity scheme to achieve its aims, both these issues need to be addressed.

The other specific recommendations in the AES report are: 7.8 A sensitive lighting regime. This is to minimise the impact on foraging and commuting bats. 7.12 All garden fences will incorporate hedgehog highways. Other recommendations concern trees and hedgerows but it is not clear if all those recommendations have been included in the reports submitted concerning the landscaping. In this regard it is urged that all the recommendations in the AES report are implemented and that the questions above are suitably answered.

Relevant policy, guidance and/or legislation

The relevant Development Plan policies are set out in the officer report relating to the host permission.

Planning considerations

Condition 10 requires the submission of a Written Investigation of Archaeological Monitoring.

Condition 21 requires the submission of a scheme of biodiversity enhancement.

Planning assessment

During the determination process, additional information, namely a report on the evaluation work was requested by County Council Archaeology. This report has been provided and on this basis the requirements of condition 10 have been satisfied. Furthermore, comments raised within the letter of representation have been considered by County Council Archaeology and do not change their opinion on the acceptability of the information provided.

The scheme of biodiversity enhancements have been considered acceptable by Derbyshire Wildlife Trust. In response to the comments raised within the letter of representation, there is no planning requirement or mechanism to require the bird boxes to be cleaned out and in terms of the maintenance and recommendations of the report, condition 21 requires the approved scheme to be implemented and the physical measures to be incorporated before the first occupation of each respective dwelling and thereafter retained and maintained.

Recommendation

Approve

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 made:	23/10/2019
Report agreed:	28/10/2019
Authorised officer:	Richard Stewart
