
Delegated report Officer: Jenny Blair

Application ref. DMPA/2021/1010

Demolition of existing farmhouse and associated outbuildings and the erection of 3 commercial buildings to form 11 units for storage purposes (B8 use class) Overfields Farm , Unnamed Road From Coton Road To Church Street, Coton In The Elms, Swadlincote, DE12 8LW

Valid date: 26/10/2021

Consults expired: 26/11/2021

EIA development? No

Section 106 agreement? Not required

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

Relevant planning history

9/2017/1337 - Conversion of 3 agricultural barns to commercial storage (use class B8) at Overfields Farm, Unnamed road from Coton Road to Church Street, Coton in the Elms - Change of use granted 20/07/2018

9/2017/0946 - Conversion of former dairy parlour to general industry (use class B2) at Overfields Farm, Unnamed road from Coton Road to Church Street, Coton in the Elms - Change of use granted 29/03/2018

Responses to consultations and publicity

Environmental Health

I can confirm that I have no concerns about the environmental implications of this development, therefore I will not be seeking any conditions or making further comment.

County Highway Authority

Initially, a response to this application was issued by the highway authority requesting confirmation that the passing places conditioned on a previous application have been constructed. It has now been confirmed that the passing places are constructed and available for use.

Taking the above into account the highway authority has no objections to the application subject to a condition being imposed relating to the parking and manoeuvring area, should approval be granted.

Natural England

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of the River Mease Special Area of Conservation
- damage or destroy the interest features for which the River Mease Site of Special Scientific Interest has been notified.

The LPA, as competent Authority, should undertake a HRA for this development and in doing so ensure that there will be no harmful discharges of foul or surface water from the application site into the River Mease or its tributaries. Any mitigation measures identified within the HRA as necessary to achieve this should be secured via an appropriate planning condition or obligation and must be in place prior to occupation/function of the development. Natural England's advice on other natural environment issues is set out below.

Following changes to Natural England Standing Advice...

Development which will not give rise to additional overnight stays within the catchment does not need to be considered in terms of any nutrient input, except in exceptional circumstances. This is a result of a likelihood that those using the development live locally, within the catchment, and thus their nutrient contributions are already accounted for within the background. We don't consider this development to be an 'exceptional circumstance', thus, our previous comments have been superseded.

Following the receipt of the HRA...

Natural England concur with the conclusion that no likely significant effects will occur as a result of the development.

Derbyshire Wildlife Trust

Thank you for consulting the Derbyshire Wildlife Trust with regard to the above planning application. I am responding as the Biodiversity Planning Officer responsible for work relating to the Service Level Agreement, which South Derbyshire District Council and the Trust have signed. The following comments are aimed at providing accurate and up to date information on the nature conservation issues associated with the proposed development.

The application involving the demolition of an existing farmhouse and outbuildings is accompanied by an Internal/external and dawn/dusk emergent bat surveys report prepared by Dr Stefan Bodnar dated 4th June 2021. A previous survey carried out in October 2020 found evidence of bat activity. In accordance with current best practice guidance, nocturnal bat activity surveys were conducted on 4th May (dusk) and 3rd June 2021 (dawn). The dawn survey identified two Common Pipistrelle bats returning to roost in the farmhouse building confirming the presence of a bat roost.

As the works will require the loss of a bat roost a Natural England licence will be required to enable the development to proceed without committing an offence, as rightly stated in the report. 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. Appropriate broad bat mitigation and compensation measures are outlined in section 6.1 of the Internal/external and dawn/dusk emergent bat surveys report prepared by Dr. Stefan Bodnar dated 4th June 2021. We therefore recommend that the following is secured by a condition attached to any permission;

'Prior to the commencement of any works which may affect bats and their habitat, a detailed Bat Mitigation, Compensation and Enhancement Strategy based on the information provided in section 6.1 of the Internal/external and dawn/dusk emergent bat surveys report prepared by Dr. Stefan Bodnar dated 4th June 2021 shall be submitted to and approved in writing by the Local Planning Authority. The measures shall include the need to apply for a Natural England Bat Mitigation Licence. All works shall then proceed in accordance with the approved strategy and the conditions of the Natural England licence, a copy of which shall be submitted to the Local Planning Authority once issued.'

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 on the basis of the proposed broad bat mitigation and compensation measures outlined in section 6.1 of the Internal/external and dawn/dusk emergent bat surveys report prepared by Dr. Stefan Bodnar dated 4th June 2021 it is likely that the favourable conservation status of the local bat population will be maintained and, as such, test (iii) will be met.

The barns were confirmed as being used by nesting birds. We therefore recommend appropriate mitigation measures to avoid harm to nesting birds should be secured by a planning condition;

'No works to the barns shall take place between 1st March and 31st August inclusive unless a survey to assess the nesting bird activity on the site during this period and a scheme to protect the nesting birds has first been submitted to and approved in writing by the Local Planning Authority. No works to the barn shall take place between 1st March and 31st August inclusive other than in accordance with the approved bird nesting protection scheme.'

The buildings are considered suitable to provide opportunities for nesting birds with nesting swallow and house sparrow recorded. Barn Owl, a species specially protected under Schedule 1 of the Wildlife and Countryside Act was recorded using one of the outbuildings on the site. Mitigation and compensation measures are outlined in section 6.2 of the Internal/external and dawn/dusk emergent bat surveys report

prepared by Dr. Stefan Bodnar dated 4th June 2021. However, the measures indicate the provision of only temporary alternative measures for Barn Owl. We advise that the development should provide permanent compensation measures for Barn Owl. Once this has been included we advise the following recommended condition should be attached to any permission.

'The development shall be carried out in strict accordance with the mitigation measures detailed in section 6.2 of the Internal/external and dawn/dusk emergent bat surveys report prepared by Dr. Stefan Bodnar dated 4th June 2021 and shall include alternative permanent breeding/roosting opportunities for Barn Owl. The measures shall be provided prior to the first usage of the development and shall be retained as such thereafter.'

Following a request from the applicant to amend the condition relating to bats...

Provided none of the other buildings are attached to the farmhouse, it should be ok for the condition to specifically relate to the farmhouse.

Severn Trent

No objection subject to conditions and informatives.

Environment Agency

The site lies fully 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 site and therefore we have no further comment to make. We do however have a suggested advisory in relation to the disposal of foul drainage.

Derbyshire County Council Archaeologist

The application would see the demolition of the existing farmhouse and associated outbuildings, and the erection of 3 buildings to form 11 storage units.

The farm building(s) are not entered on the Historic Environment Record (HER). No historical assessment of the buildings has been prepared or submitted as part of the application. A rapid review of the available information suggests that the existing farmhouse building may have been first built in the first half of the nineteenth century (or possibly the late eighteenth). There are miscellaneous papers relating to Overfields Farm held in the Derbyshire Records Office that date to the early 1840s. It appears the building has subsequently been extended and altered. Mapping dating to 1884 shows the present building occupying a similar footprint to the present one. Without more information from a detailed historical assessment of the building's fabric it is difficult to form or offer a more detailed opinion on the building's historical significance. However, it should also be noted that the HER does include an entry (MDR7115) for the presence of broad interval ridge and furrow comprising several furlongs, identified off aerial photographs, immediately adjacent to and surrounding the farm buildings. Such features relate to medieval (pre c.1550AD) agriculture using ox ploughs for tillage. The presence and proximity of medieval ridge and furrow raises the possibility that there was earlier occupation either on-site or in the vicinity.

National Planning Policy Framework (July 2021) paragraph 194 states that,

'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected', and that 'the level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance'. In this instance the application has been submitted without any assessment of heritage asset significance or of the proposal impact. It goes on to advise that 'As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise'. Furthermore, 'Where a site...has the potential to include heritage assets with archaeological interest local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation'.

On this basis, and given the apparent nature of the application, I recommend that the application is not determined until the applicant has commissioned and submitted for consideration an archaeological desk-based and historic building assessment. This should be prepared by a suitably qualified and experienced archaeologist. They should prepare the DBHA in accordance with a Written Scheme of Investigation (WSI) prepared by the appointed archaeologist and submitted for agreement by the archaeological advisor to South Derbyshire District Council. The DBHA should seek to provide a detailed assessment of the known and potential heritage significance, the impact of the proposals upon that significance and how any such impact might be mitigated. This should then provide the archaeological advisor to South Derbyshire District Council with sufficient information to advise on the determination of the application.

Following comments from SDDC Conservation Officer...

The previous comments relate a) to the significance of the building, and b) that the site may have early origins resulting in potential for below-ground archaeology.

Your conservation officer has concluded that the building has no historic significance and we are happy to defer to this regarding the building itself. However the potential early origins of the site and potential for below-ground archaeology are not yet addressed. Given the HER entries for the site the usual approach would be for a professional desk-based study to look at the mapping and other archive evidence to establish the site's history and significance, as per earlier comments. This would be the letter of NPPF para 194. However if the applicant would prefer we could simply apply a condition for archaeological monitoring of development groundworks (watching brief). I would suggest the following:

'No development shall take place until a written scheme of investigation (WSI) for archaeological monitoring has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives; and:

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.'

SDDC Conservation Officer - verbal advice given during site meeting on 15/08/2022

The building may have some historic fabric at its core, but the interior has largely been added and changed. The repair would no doubt be at huge expense due to the structural works necessary. The building would not be worthy of listing, and nothing of historical interest was visible within the farmhouse itself. While it is always regretful to see historic buildings removed, especially noting the farmhouse has merit when viewed from the outside and particularly from the south-east elevation (the original front of property), it is acknowledged that the retention of the building could not be insisted upon. In summary there is no objection to the proposal.

South Derbyshire Landscape Officer

With consideration to the submitted documents and the proposed site context, we have the following comments.

A Planting Plan to include a plant schedule and to include the following:

1. Planting of native species hedgerows with trees to the north east and south east boundaries.
2. The planting of native species tree belt for screening to the south east.

We require enhancement of the biodiversity, that will mitigate for the increased development of the site, by the planting of trees, shrubs and wild flower meadows. With the use of native species, with consideration to improving local biodiversity including hedgehogs, birds, bats, and bees etc.

South Derbyshire Planning Policy

Local Plan Policy E7 states that 'development proposals which diversify and expand the range of sustainable employment activities on land outside of settlement boundaries will be supported by the Council provided they support the social and economic needs of the 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 impacts 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.'

It is noted that the proposal will generate no new employment and will therefore be of very limited benefit in terms of supporting the social and economic needs of rural communities, except potentially during the demolition and construction phases. It is not particularly sustainable to generate commercial vehicle trips to a relatively remote rural location where there will be no local employment benefits, although it is possible that some of the proposed B8 storage capacity may be utilised by rural-based businesses within the District.

It is accepted that the success of the established B8 storage capacity on the site and the generally recognised high demand for B8 storage and distribution facilities suggests that there is a business case for the proposal.

The acceptability of the proposal is therefore likely to be largely dependent upon whether it is deemed to be

significantly harmful in terms of visual intrusion and impact on the character of the area; scale; quality of design; highway considerations and any ecological impacts, bearing in mind the potential benefits of replacing existing vacant buildings with development that is likely to be of some economic value.

Economic Development

Our local experience would support the case made that there would be strong demand for the proposed storage units. The level of construction of new commercial floorspace in the area has been low in recent years.

The Overfields Farm industrial site is currently tenanted by several SDBAS clients and is attractive and modern. The provision of small modern industrial units matching the existing units would seem to be a viable option, and I understand that the applicants already have a waiting list for these. Provided that conditions are imposed relating to types of business, noise levels, working hours etc. are imposed then this would seem to be a benefit to South Derbyshire's economic growth.

The National Forest

Disappointingly, the site's location in the National Forest is not referenced within the application documents and Policy INF8 The National Forest has not been sited as a relevant local plan policy. It therefore not clear if the applicant has considered this policy, or how the applicant intends to comply with this policy.

National Forest planting

The site is below the threshold requiring National Forest planting specified in Criterion B of INF8 The National Forest.

National Forest character / identity

An appropriately designed landscaping scheme could address the character and appearance requirements (Criterion D) of Policy INF8, and we note the Council's Landscape Officer has commented that a Planting Plan should be submitted to show 1. Planting of native species hedgerows with trees to the northeast and southeast boundaries, and 2. The planting of native species tree belt for screening to the southeast. The NFC's preference is for landscaping schemes to be submitted prior to the determination of applications to allow for negotiation of a successful and compliant scheme. If you consider it appropriate to condition the submission of a landscaping scheme as suggested by the Landscape Officer, in terms of woodland belts, please be aware that the NFC considers that these should be a minimum of 15metres wide.

Conclusion

To conclude, the NFC are disappointed that the National Forest location and Policy INF8 have not been explicitly considered within the application documents. While the size of the site is such that National Forest planting is not required, policy INF8 requires development to be appropriately related to the Forest, and to respect and not adversely affect the character and appearance of the wider countryside. Accordingly, the NFC considers that the proposal should be appropriately landscaped, as recommended by the Council's Landscape Officer.

Following the receipt of a Landscaping Plan and associated schedule...

The NFC consider the landscaping scheme to be acceptable.

Lead Local Flood Authority

Following the receipt of a Drainage Strategy and proposed betterment to the existing SuDS on site, the LLFA have no objection to the proposals subject to conditions.

Coton in the Elms Parish Council

The Coton in the Elms Parish Council are not wishing to object to this planning application however they would like these comments to be known.

Concerns were raised about the reclassification of this land and the potential developments in the future, it could bring, once this has been made.

There is also the concern of this planning application bringing even more traffic through the village.

Rosliston Parish Council

Rosliston Parish Council would like to express concern over the possible increase from HGV traffic through the weight restricted areas and infrastructure of the local lanes. This is a comment only, with the intention that HGV access would be considered and a robust traffic management plan adhered to.

Members of the Public

Two objections were received from members of the public, and their comments are summarised below

- Concern over increased traffic on Coton Road and surrounding narrow country lanes, which are not gritted or cleared in winter. This could also have an impact on traffic at school times in Walton on Trent, and on larger vehicles using the Bailey Bridge. The transport network is not suitable to support the application
- Increased urbanisation of a beautiful rural and area.
- Loss of a traditional farmhouse and farmyard and downgrading of the land from agricultural land to class B8 (Storage or distribution) is yet another step along the road of fundamentally transforming the historical character of the area and an increased urbanisation of the local rural landscape.
- Demolition of the existing buildings will destroy habitats ideally suited to many species which are in long term decline in the UK such as bats, barn owls and swallows.
- The demolition and subsequent construction work required for this project will create a significant volume of HGV traffic through the neighbouring villages. The unsuitability of the roads through these villages for such traffic is reflected in the 7.5T weight restriction in this area.
- Ongoing operations once the 11 new storage units are completed will significantly increase the ongoing level of HGVs in an area unsuited to accommodate such traffic.

Relevant policy, guidance and/or legislation

The relevant policies are:

2016 Local Plan Part 1: S1 (Sustainable Growth Strategy), S2 (Presumption in Favour of Sustainable Development), E7 (Rural Development), SD1 (Amenity and Environmental Quality), SD3 (Sustainable Water Supply, Drainage and Sewerage Infrastructure), BNE1 (Design Excellence), BNE2 (Heritage Assets); BNE3 (Biodiversity), BNE4 (Landscape Character and Local Distinctiveness), INF2 (Sustainable Transport) and INF8 (The National Forest).

2017 Local Plan Part 2: SDT1 (Settlement Boundaries and Development), BNE5 (Development in Rural Areas), BNE7 (Trees, Woodland and Hedgerows) and BNE10 (Heritage).

National Guidance

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

Local Guidance

- South Derbyshire Design Guide (SPD)

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;
- Heritage;
- Highway impact;
- Drainage;

- Landscape, trees and design;
- Impact on protected species.

Planning assessment

Principle of development

The proposal for small-scale commercial storage in this location is outside of a settlement boundary as defined in the adopted Local Plan and therefore Policy E7 (Rural Development) applies. Policy E7 (Rural development) states '*Development proposals which diversifies and expands the range of sustainable employment activities on land outside of settlement boundaries will be supported by the Council provided they support the social and economic needs of the 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 impacts 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 policy therefore offers support for a proposal of this nature, given it can demonstrate it is viable business supporting the social and economic needs of rural communities, as well as being of an acceptable scale and will not lead to harm in terms of landscape character, amenity or highway impact. Each of these elements will be considered through this report.

In terms of the business case, the site already benefits from permission for three of the existing barns to be used for commercial storage, and the applicant has stated that there is a waiting list for this. The proposal and submitted Business Case have received positive comments from the Economic Development team and independent Business Advisor, and therefore it is considered that the scheme meets the requirements of this element of the Policy.

Provided that the other criteria can be met, and the proposal conforms to other policies of the local plan (appraised below), it is considered that there is policy support for the principle of development in this location.

Heritage

In order to facilitate this development, the proposal includes the demolition of the existing farmhouse on the site. The farmhouse is not a designated heritage asset, but due to its age and agricultural character, its historic and architectural merit should be considered. The existing farmhouse has some historic and architectural merit when viewed from the outside, and relates to the agricultural buildings, marking the original form of the farmstead and making sense of its location. The opinion of the South Derbyshire Conservation Officer has been sought, who considers that the farmhouse may have some historic fabric at its core, but the interior has largely been added and changed, and is in need of substantial repairs. They considered that the building would not be worthy of listing, and nothing of historical interest was visible within the farmhouse itself.

Policy BNE10 (Heritage) of the Local Plan Part 2 states that 'the loss of buildings and features which make a positive contribution to the character or heritage of an area should be avoided through preservation or appropriate reuse, including enabling development'. The applicant has considered options to re-use the building, but has stated that it would not be viable to repair and renovate the building for residential or office purposes due to the scale of works required. Following a site visit at the property, which has been empty for approximately five years, this assertion is not questioned. Whilst it is regrettable that a historic building would be lost through this proposal, it is considered that due to the building not being worthy of listing, and it not being visible from the public realm and therefore any contribution to the character of the area is small, that on balance, any historic merit is not significant enough to insist on its retention and justify a refusal of its demolition.

Due to the age of the farmhouse and the Historic Environment Record entries for the site however, it is considered necessary to consider the potential archaeological importance of the site and the County

Archaeologist has been consulted. In the absence of a professional desk-based study to establish the site's history and significance, a condition for archaeological monitoring is required in the form of a watching brief to ensure any archaeological remains are identified, investigated and recorded while groundwork is underway. This will ensure the proposal complies with paragraph 194 of the NPPF.

It is therefore considered that providing the necessary archaeological conditions are secured, the loss of the farmhouse does not conflict with the local and national planning policies.

Highway impact

County Highways have not objected to the proposal, provided that the parking and manoeuvring areas are laid out in accordance with the approved plans. Works to enable passing places along the access driveway have been constructed as part of previous planning applications. No concern was raised by the County Highways Authority in relation to the increase of traffic, and it is considered that although the storage units will generate additional trips, they are not the type of use that would lead to multiple trips a day or even a week. The units are also relatively small and would not be suitable for large scale storage requiring the largest of vehicles. It is not considered therefore that the proposal would have an unacceptable impact on the local highway network and therefore the proposal satisfies part ii) of Policy E7 (Rural Development).

Drainage

The submitted Drainage Strategy includes measures to improve the existing Sustainable Urban Drainage Systems on the site. Due to the demolition of buildings as part of the proposal, it is also considered that there will not be a significant increase in the non-permeable area, and therefore an increase in surface water drainage is not expected. It is therefore considered that the proposal is in accordance with Local Plan Part 1 Policy SD3 'Sustainable Water Supply, Drainage and Sewerage Infrastructure'.

Landscape, trees and design

The site is located within a rural area of the district between the villages of Coton in the Elms and Walton on Trent. The landscape is relatively flat arable agricultural fields, although it is noted that site itself is more elevated and the land south of the site slopes gradually downwards. The site could not however be considered prominent, and given the 350 metre distance from the main road (Church Street) it is not particularly visible from the public realm. The site falls within the National Forest, although due to the agricultural nature of the site, there are relatively few mature trees surrounding the buildings. Large electricity pylons run north to south close to the site, detracting somewhat from the farmstead.

The three proposed modern agricultural style storage buildings are relatively small scale and low (with ridge heights of 7.8 metres and just under 7 metres) when compared to agricultural buildings of a similar nature. They would not therefore look out of place in this location, as they will largely be sited on the footprint of the existing farmhouse and outbuildings in a courtyard arrangement, and would be seen in the context of the existing modern agricultural style storage buildings to the north west. Although functional, it can be asserted that the proposed units are well designed in terms of the scale and arrangement, and materials used. It is considered that the impact on the character of the locality is minimised as the units will not appear prominent in the landscape and will be viewed in the context of the existing larger modern agricultural storage units at the site.

Notwithstanding the above, the Council's Landscape Architect considers that the development should be appropriately landscaped as landscaping will mitigate the impact of development and improve the overall appearance of the site. It was recommended that there should be planting of native species hedgerows with trees to the north-east and south-east boundaries, and the planting of a native species tree belt for screening to the south-east. Similarly, the National Forest Company have also requested that reference to Policy INF8 (National Forest) of the Local Plan Part 1 should be made in any future landscaping scheme to ensure that the development is appropriately related to the National Forest. A landscaping scheme was subsequently submitted by the applicant, which is considered to appropriately

address these concerns, by the planting of native hedgerows to the south and east of the application site. A native species tree belt to National Forest specifications is not considered necessary in this instance as the application site is below the threshold for delivering National Forest planting on site. The submitted landscaping scheme is considered sufficient in mitigating the effect of the development on the local landscape, in the context of substantial tree planting in the surrounding area.

In terms of criteria iii), iv) and v) of Policy E7 above, it is considered that the proposal complies with these elements, thus satisfying Policy E7 in full.

Impact on protected species

Comments have been received from Derbyshire Wildlife Trust in relation to the demolition of the farmhouse and outbuildings and the impact on bats. The bat survey and report confirmed the presence of a bat roost, and therefore it is advised 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 therefore a licence from Natural England will be required to enable the development to proceed without committing an offence. Derbyshire Wildlife Trust concur with the broad bat mitigation and compensation measures as outlined in section 6.1 of the submitted report prepared by Dr Stefan Bodnar dated 4th June 2021, the details of which should be secured through an appropriate planning condition.

The outbuildings were also confirmed as being used by nesting birds and barn owls, and similarly, appropriate mitigation measures to avoid harm to nesting birds should be secured by a planning condition.

The site falls within the River Mease (SAC) catchment area and therefore consideration as to whether the proposal will lead to an impact on the integrity of the SAC must be given through a Habitat Regulation Assessment. In line with current Natural England Standing Advice, foul drainage need not be considered for this proposal as it is not expected that the proposal will generate additional overnight stays and therefore cause additional foul flows into the catchment. A HRA has been undertaken for Surface Water drainage, and subject to an appropriate planning condition, will ensure that the proposal will not have any impact on the integrity of the River Mease SAC, and is therefore in accordance with Policy BNE3 (Biodiversity) of the Local Plan Part 1.

Conclusion

Based on the assessment above, it can be concluded that the proposal accords with national and local planning policy and can be approved, subject to conditions.

Recommendation

Approve with Conditions

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

Recommendation made:	05/01/2023
Report agreed:	07/01/2023
Authorised officer:	Steffan Saunders
