

Item No. 1.3

Ref. No. [9/2018/0346](#)

Valid date: 09/07/2018

Applicant: Mr J Fleming
C E Wood Senior Will Trust

Agent: Mr Matthew Montague
Matthew Montague Architects

Proposal: Outline application (all matters except for access, layout (excluding internal layout of buildings) and scale to be reserved) for selected demolition of outbuildings (retaining others with the existing farmhouse) along with the conversion of retained outbuilding and the erection of further buildings to deliver a total of 14 additional dwellings with associated drainage and access infrastructure on Land at Micklemeadow Farm, 233 Rykneld Road, Findern, Derby

Ward: Willington & Findern

Reason for committee determination

This item is reported to Planning Committee as it is a major application not in accordance with the Development Plan.

Site Description

The site lies to the southern edge of Littleover, Derby, adjoining the District boundary with the City. It comprises a former farmstead with various disused farm buildings and the original farmhouse, as well as areas of open ground – some put to hardstanding as part of the yard. Farming on the holding has ceased although the farmhouse remains in use, rented out. Several trees exist around the site peripheries, some of which are subject to a Tree Preservation Order (No. 522).

The site extends to just over 1 hectare and has residential development to the north and across Rykneld Road to the east (Highfields Farm). City allocations for housing exist to the north-west and north-east (again across Rykneld Road). The A38 trunk road is a short distance to the west, beyond a paddock, with further paddocks to the south beyond which is the Rykneld Road/Staker Lane/Doles Lane A38 roundabout.

The proposal

The application has been amended during its assessment, for reasons outlined below. Officers also required matters of scale to be considered at this stage given the existing farmhouse and adjoining property.

The proposal is now for the creation of 14 dwellings alongside the retention of the existing farmhouse. Some of the existing barns would be retained and converted to provide two of the new dwellings whilst the remaining 12 would be constructed in a style and arrangement to complement the traditional character set by the farmhouse, its connected outbuildings (to be retained) and the retained barns. Other barns would be demolished to make way for the development, along with associated access, parking, drainage infrastructure and landscaping. The existing access to Rykneld Road would be upgraded.

Applicant's supporting information

Several of the following documents have not been updated since the application was originally received for the demolition of all the outbuildings, retention of existing farmhouse and erection of 22 new dwellings. Since then, the proposal has been amended to that titled above, but supporting information has only been updated where it is considered to have been necessary to properly inform the recommendation below.

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A Planning Statement confirms that the principle of development was the subject of pre-application enquiries during 2016 and 2017. These confirmed that the site is not within a defined settlement, nor is it allocated for development in the Local Plan. In addition, the site cannot be described as 'previously developed land' (PDL) because of its previous agricultural use. However, the proximity of the City boundary is noted along with the need for South Derbyshire to assist in meeting the housing needs of the wider Housing Market Area (HMA). In that context, it is stated that policies H1 of the LP1 and BNE5 of the LP2 allow for development in areas adjacent to Derby. It is also noted that the explanatory text in the LP1 states that development to the south and east of the City is capable of being contained within firm defensible boundaries offered by the A50, where the landscape is better able to accommodate development (paragraph 5.15). The site immediately adjoins the southern City boundary where there is good accessibility by different modes of transport into Derby and further afield. In addition, the proposal would not unduly impact on landscape character; or have an adverse effect on biodiversity, agricultural land or heritage assets. The proposal also represents a 'windfall' opportunity, which would assist the Council in meeting its housing needs and the 5-year housing land supply (5yrHLS). The Statement goes further to comment on design and character, protected species, living conditions and highway safety. Affordable housing provision and planning obligations are also discussed, although that discussion has been superseded in part by amendments received which reduce the number of dwellings.

The Design and Access Statement (DAS) states the proposed scheme is designed to maximise the potential of the land, with valuable family housing with a distinctly rural appearance, whilst maintaining the existing farmhouse. The proposal looks to create a country farm-like development designed to be sustainable and community friendly, replacing an unattractive, dilapidated and unsightly approach along Rykneld Road. The new build houses and refurbishment of the existing farmhouse would provide a wide variety of bespoke buildings aiming to achieve an attractive sustainable solution. The approach to the design is as follows:

- Ensure that the proposals respect the character of the locality in terms of the scale and nature of the layout, density, height, massing, architectural style, materials and landscaping;
- Ensure that the development minimises the need to travel by car to work and other activities by providing easy opportunities for journeys through the public transport network;
- Ensure that the development is planned as a safe, healthy, accessible and attractive place for residents, including the mobility impaired;
- Ensure that the proposals have regard to distinctive landscape features and provide supplementary landscaping where appropriate, particularly where the development is visually prominent or situated on the established urban fringe;
- Ensure that the proposals provide adequate amenity space for each dwelling;
- Ensure that the proposals take account of the relationship between the development and neighbouring buildings, and the spaces between and around those buildings; and
- Manage waste generated from the construction and occupation of the development.

The concept requires customised designs for most properties mixing different materials and architectural styles to suggest various periods of construction and building requirements. The architecture and landscaping would be carefully considered to provide a holistic approach to the design. It is noted that the Highfields development provides a typical large-scale residential housing layout. The proposed scheme for Micklemeadow Farm makes every effort to establish a more open, green, and characterful design, and it is felt that the proposed layout has an appropriate density of housing whilst providing decent gardens and parking. The proposed design uses the existing site entrance and driveway to determine the entire layout, with the existing farmhouse seen as a key property in the scheme and will add traditional character to the approach.

A Heritage Report concludes that although there have been numerous alterations to the 19th Century farmstead, the overall form of the historic farmstead is coherent. However, additions to the farmstead in the mid to late 20th Century along with alterations to the fabric of the 19th Century buildings at the same time have negatively impacted upon the setting and significance of the farmstead. With the exception of the farmhouse, the surviving 19th Century buildings would be difficult to convert to an alternative function without compromising their historic character by inserting additional windows and substantially remodelling their interiors. In particular, the smaller 19th Century buildings (forward of the perpendicular

covered carriageway and cow house to be retained) have minimal capacity for change to an alternative function. The layout of the farmstead is considered to be straightforward and presents a coherent narrative of expansion and alteration from the 19th Century onwards. Further recording or assessment would not add a great deal to our understanding of the function, phasing and character of the farmstead at this stage. However, if the planned demolition of farm buildings is approved, a more thorough permanent record should be created. A Level 2 record, as defined by Historic England (2016) would be appropriate to record and understand the buildings.

An Archaeological Assessment indicates that the proposed development is adjacent to Ryknield Street Roman road, and further evidence of extensive Romano-British activity has been identified within a 1km study area. Throughout later periods, the site seems likely to have been in use for agricultural purposes, culminating in the construction of Micklemeadow Farm during the 19th Century. Remnants of the 19th Century farmstead remain upstanding within the site. These remains are considered to be of local significance. As such, the site has a moderate to high potential for previously undiscovered sub-surface archaeological remains to exist which relate to the Romano-British Period, and a high potential for remains of medieval, post-medieval and 19th Century date. Such deposits are likely to relate to Romano-British settlement activity and later agricultural and land management practices in the area. Should remains of Romano-British date exist, they could be of regional significance and relate to either the settlement identified south of the site or the construction and use of Ryknield Street. Should later remains exist which are likely to relate to the agricultural exploitation of the landscape, these would be of local significance. Any remains which do exist, subsurface or upstanding, may be subject to direct adverse development impacts. It is concluded therefore that further archaeological investigations may be required post-consent to confirm the existence, nature and significance of any remains within the site.

A Flood Risk Assessment (FRA) and Drainage Strategy demonstrate that the existing and proposed buildings are shown to lie within flood zone 1 (outside of both the 1 in 100-year and 1 in 1000-year flood plain). The site falls from north to south and continues to rise in the northerly direction to a crest circa 400m to the north. The site could be vulnerable to overland flows from the north. Environment Agency flood risk data relating to surface water indicates an isolated area of surface water flooding on-site. The development proposals are found to result in an increase in impermeable area and therefore increases the potential flood risk on and off site. Thus, a visual inspection of the existing drainage on site has found the positively drained extents to be limited with most rainwater pipes discharging onto the ground rather than collected by a below ground drainage system. Whilst the positively drained extents (circa 400m²) would give rise to a flow of 5.5l/s, given the informal nature of the drainage and absence of formal outfall; the existing site is considered to be greenfield. Outside the site, but within the wider ownership, a ditch follows the hedge line dividing fields to the north-west of the proposed development. The ditch flows in a south westerly direction and is ultimately culverted beneath the A38 roundabout. The ditch receives greenfield flows from the wider area. The infiltration rate on site is likely to be relatively low. Should infiltration not prove suitable for surface water discharge, a positive drainage connection would be required, and it is proposed that surface water should be routed to the existing ditch. This positively drained system would need to incorporate an appropriate Sustainable Drainage System (SuDS) which it is anticipated would comprise of permeable paving and supplementary surface water attenuation to effectively store exceedance events.

A Preliminary Ecological Appraisal (PEA) includes a desk study, a daytime bat survey and an ecological walk-over survey. No statutory designated nature conservation sites (i.e. SSSI) or non-statutory designated nature conservation sites (i.e. LWS) occur within the site and the closest site is approximately 900m away. No notable habitats were recorded on the site, with the exception of hedgerows which are listed as a priority habitat. Bat droppings and potential feeding remains were found as well as several potential bat roost sites within the buildings on site. Active bird nests were also found in the buildings. The site provided sub-optimal habitat for badger and reptiles. A nearby pond marked on OS mapping was found to be completely dry, with no sign of having held water recently. The area was covered by a dense layer of bramble. As such, no further consideration is required with regards to great crested newts on site. Whilst several the buildings on site offer some suitability for use by roosting barn owls, no evidence was identified. Evidence such as pellets and whitewash persist for

extended periods of time inside sheltered buildings and barns. Therefore, the lack of any evidence indicates that there has been no use by barn owls for a considerable period of time, if at all, previously.

Bat emergence surveys were carried out in August, September and October 2017. The evidence suggests that individual common pipistrelle bats are using a small number of features to roost in (summer day roosts). This includes internal features within the southern-most cow shed and the ridge of the farmhouse. The maximum count of roosting bats recorded on any one survey was two common pipistrelle bats. It is possible that the same two bats moved from one building to the other between the first and second surveys. No evidence was recorded to suggest the presence of a maternity colony of bats (where female bats congregate to nurse their young during the summer months).

An update to the daytime bat survey was carried out in February 2020. Bat droppings and potential feeding remains were again found as well as several potential bat roost sites within the buildings on site – those which are to be retained under the amended proposals. An update of the bat emergence surveys was carried out in August and September 2020. The surveys confirmed the presence of several roosts, used for day roosting and feeding by small numbers of common pipistrelle and brown long-eared bats. The location of these roosts is mainly within the buildings to be retained. Again, no evidence was recorded to suggest the presence of a maternity colony of bats. The potential roost features (PRF) recorded are considered to have sub-optimal suitability to support a bat maternity colony, generally lacking the warm and stable conditions typically required by breeding females rearing young. It is considered that the locations identified are day roosts for individual non-breeding female or male bats. Non-breeding individuals will often roost in relatively exposed locations which are subject to larger fluctuations in temperature.

The proposed works will require an EPS Licence granted by Natural England to derogate from any offence being caused. In terms of mitigation, it is recommended that any high risk works (e.g. removing tiles etc.) are supervised by a licensed bat-worker. To compensate for the loss of bat roosts, provision for bats can be either incorporated into the converted buildings or provided as stand-alone features (e.g. erection of suitable bat boxes). The proposals will need to have a carefully considered lighting scheme so as not to cause light disturbance to the new bat roost features.

Street lighting should be bat friendly and positioned so that they are facing away from sensitive ecological features, vegetation and building demolition works should be timed to avoid the bird nesting season (March to September) and the rubble piles on site should be dismantled by hand as a precaution. It is recommended that standard bird boxes, sparrow terraces and swallow nest bowls be installed to mitigate for loss of nesting habitat. Hedgerow planting along the southern and western boundaries is recommended to increase connectivity to the wider environment, and native wildflower planting is recommended to improve the on-site habitat.

A Biodiversity Impact Assessment concludes that provided the recommendations are followed and the additional habitats are included within the development, a net biodiversity gain in habitat can be achieved. Furthermore, in terms of linear habitats, a net gain can also be achieved, dependent on native species being used and the assumed 'moderate' condition of the habitats being reached within the specified time (5-10 years).

A Tree Report and accompanying tree survey schedule calculates the Root Protection Area (RPAs) of the trees surveyed (4 groups and 5 individual specimens); it is at this distance/around this area that protective barriers should usually be erected around any trees to be retained. The report provides guidance for the design and sets out the constraints relating to the trees on site.

Relevant planning history

None.

Responses to consultations and publicity

The County Highway Authority (CHA) notes the applicant is proposing to have the access road adopted. However, in view that there is no fronting development onto the access road and that all the proposed properties are being served via private drives, they would not wish to adopt the access road.

Therefore, the road will need to remain private. There is also some concern with the proposed parking being provided, as in order for a garage to be considered a parking space the internal dimensions need to be a minimum of 6m by 3m and all of the properties would require at least 2 parking spaces. It is noted that unsuitable parking provision is likely to lead to vehicles being parked in areas not suitable and could lead to neighbour disputes. However, given the layout of the site and the proximity of the nearest adopted highway being Rykneld Road, it is not considered that a highway objection could be sustained as any parking issues would be within the site. The CHA therefore does not object subject to conditions to control the construction phase impacts, provision of a suitable access with Rykneld Road, provision of parking and restriction on the position of gates.

The Development Control Archaeologist notes there are two principal heritage/archaeological interests on the site – (1) the original and significance of the existing farm ‘Micklemeadow’, its standing buildings and possible fore-runners (the name ‘Micklemeadow’ is attested as early as the 16th Century but it is unclear whether a farm was present this early); and (2) the location on the Roman road ‘Ryknield Street’, adjacent to known Romano-British activity on the Highfield Farm development to the south.

The archaeological assessment provides a reasonable assessment of significance in relation to the Romano-British potential. However, this document was felt to be deficient with regard to research into the history and origins of the farm on the site. Following the provision of the Heritage Report it was noted that the farmstead has a good survival (90%) of 19th Century buildings (representing a couple of phases) and some 20th Century expansion. Assessment of the farmyard development is hindered by the lack of mapping pre-dating 1880, but seems to have developed from a linear arrangement of farmhouse with attached range to the rear, with further buildings subsequently added to create an L-shaped arrangement and then other buildings creating a rough rectilinear yard. The buildings are consequently a relatively complete example of a typical 19th Century farmstead representing a period of agricultural expansion in the county. This is an undesignated/locally important heritage asset so subject to the ‘balanced judgement’ in the NPPF in terms of planning balance. Starting from the NPPF presumption that significance will be conserved, it is recommended that the applicant give consideration to retaining/converting rather more of the historic buildings in an attempt to preserve a sense of the historic farmstead layout. Where buildings are not suitable for conversion it might be possible to reference the farmstead through the design/layout of the new build.

The application documents also assess that there is ‘medium-high’ potential for Roman archaeology within the development area, because of the proximity of the Ryknield Street Roman road and the Highfields Farm Romano-British settlement to the south-east. Because the bulk of the site is occupied by the developed farmstead, it is recommended that this archaeological interest is best addressed through a conditioned scheme of archaeological investigation and recording in line with the NPPF. Should a consented layout involve significant reduction of the 19th Century farm buildings then building recording (Historic England Level 2) should form an additional part of this requirement.

The Lead Local Flood Authority (LLFA) initially noted the applicant hadn’t identified an outfall/method to dispose of surface water for the proposed development, with the FRA originally stating that should infiltration be unsuitable then a sewer requisition would be required given that there are no Severn Trent Water assets within close proximity to the site. The viability of this was questioned but following receipt of the Drainage Strategy as summarised above, the LLFA has no objection subject to conditions.

Severn Trent Water Ltd (STW) notes that there are no sewers in the immediate vicinity of the site although there may be some nearby which have recently been adopted [note: plans included with the FRA indicate foul sewers north-east of the site on Rykneld Road]. There is thus no objection subject to a condition and informative.

Derbyshire Wildlife Trust notes initial concerns over insufficient information in respect of bats and barn owl have been addressed by further surveys for these protected species. The surveys confirmed the presence of roosts of small numbers of common pipistrelle and brown long-eared bats, and on this basis they advise that the proposed development would disturb a European Protected Species and cause the destruction of a resting place. A Natural England licence will be required in order for the development to proceed without committing an offence and the surveys put forward details of

appropriate broad mitigation and compensation measures. As the works will need to be undertaken under a Natural England licence, the Council should demonstrate how the three tests set out at Regulation 55 of the Habitat Regulations have been considered, and state the evidence for conclusions drawn on each test as to whether the test can be met. The Trust advises that on the basis of the proposed broad mitigation and compensation measures outlined in the Bat Activity Surveys, it is likely that the favourable conservation status of the local bat population will be maintained.

The Trust advise that no impact on barn owls is anticipated. Active bird nests were also recorded on the buildings, including swallow. The ivy present on some of the buildings and the scrub, hedgerows and scattered trees provide suitable habitat for nesting birds. Conditions are therefore recommended. They also advise that, provided the development is carried out in strict accordance with the Biodiversity Impact Assessment recommendations, including the creation of two ponds, a wildflower meadow, an orchard and tree and hedgerow planting; the scheme should result in a net gain of biodiversity. It is important that these areas of created habitat are subject to a long-term appropriate management commitment. This should be secured by a planning condition attached to any permission.

The County Planning Policy (Section 106) Officer notes the proposed development would impact upon the catchments for Etwall Primary School. The proposed development of 14 extra dwellings would generate the need to provide for an additional 3 primary pupils. The proposed development also falls within and directly relates to the catchment of John Port School. The development would generate the need to provide for 3 secondary pupils and 1 post-16 pupil. The Officer observes:

- Etwall Primary School has a net capacity for 280 pupils, with 280 pupils currently on roll and numbers projected to increase during the next five years to 308. Evaluation of recently approved residential developments shows permission for 68 new dwellings, which would generate a demand for 16 primary places. Analysis thus shows that the school would not have sufficient capacity to accommodate the primary pupils arising from the proposed development. £51,529.77 is requested so to provide additional teaching accommodation, although dependant on the timing of the delivery of the housing it may be more appropriate for the contribution to be used towards a new primary school for the locality at New House Farm.
- John Port School has a net capacity for 2,070 pupils with 1,885 pupils currently on roll and numbers projected to increase to 1,918 during the next five years. Evaluation of recently approved residential developments shows permission for 1,626 dwellings, which would result in demand for 325 secondary and 130 post-16 places. Analysis thus shows that the school would not have sufficient capacity to accommodate the secondary and post-16 pupils arising from the proposed development. £105,715.14 is requested so to provide additional teaching accommodation.

The Officer notes that amendments to the CIL Regulations which came into force in September 2019 removed restrictions on pooling of sums. It is also noted that demographics can change over time and therefore the County Council would wish to be consulted on any amendments or further applications. Viability of the scheme may allow for flexibility in the payment triggers, with it requested that the County are party to any further negotiations on developer contributions. High speed broadband connectivity is encouraged for the properties generated on the site.

The Environmental Health Officer (EHO) does not have any significant concerns with respect to contaminated land. However, the site is located within influencing distance of areas of unknown filled ground; it is therefore considered that the new development may be at risk from ground gas migration and ingress into the proposed dwellings. Given the above and the potential for construction work to disturb the current ground conditions, thus creating a pollutant receptor; it is recommended that conditions should be attached. The EHO is also satisfied that the impacts of the construction phase would be acceptable if conditions to control dust and noise impacts, and hours of works, are attached.

2 objections and a neutral representation have been received, raising the following concerns/comments:

- a. possible destruction of the trees, hedgerows and shrubs in the area;
- b. natural habitat is of great importance for the local wildlife, and effect of its removal;

- c. the existing trees and hedges/shrubs at the bottom of the gardens of the homes affected on Rykneld Way should remain in-situ
- d. it is not clear what is proposed for the existing trees and hedges;
- e. loss of privacy and overlooking if the trees and shrubs/brushes are removed.

Relevant policy, guidance and/or legislation

The relevant Development Plan policies are:

- Local Plan Part 1 (LP1): S1 (Sustainable Growth Strategy), S2 (Presumption in Favour of Sustainable Development), S3 (Environmental Performance), S4 (Housing Strategy), S6 (Sustainable Access), H1 (Settlement Hierarchy), H20 (Housing Balance), H21 (Affordable Housing), SD1 (Amenity and Environmental Quality), SD2 (Flood Risk), SD3 (Sustainable Water Supply, Drainage and Sewerage Infrastructure), SD4 (Contaminated Land and Mining Legacy Issues), BNE1 (Design Excellence), BNE2 (Heritage Assets), BNE3 (Biodiversity), BNE4 (Landscape Character and Local Distinctiveness), INF1 (Infrastructure and Developer Contributions), INF2 (Sustainable Transport), INF6 (Community Facilities) and INF9 (Open Space, Sport and Recreation); and
- Local Plan Part 2 (LP2): SDT1 (Settlement Boundaries and Development), H26 (Residential Gardens within Rural Areas), H28 (Residential Conversions), BNE5 (Development in Rural Areas), BNE7 (Trees, Woodland and Hedgerows) and BNE10 (Heritage).

The relevant local guidance is:

- South Derbyshire Design Guide Supplementary Planning Document (SPD);
- Section 106 - A Guide for Developers; and
- Strategic Housing Market Assessment (SHMA).

The relevant national policy and guidance is:

- National Planning Policy Framework (NPPF);
- Planning Practice Guidance (PPG); and
- National Design Guide (NDG).

The relevant legislation is:

- The Community Infrastructure Levy (CIL) Regulations 2010 (as amended); and
- The Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations').

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 issue(s) central to the determination of this application is/are:

- Principle of development;
- Heritage considerations;
- Character and appearance;
- Biodiversity impacts and gain;
- Highway capacity/safety and sustainable transport;
- Flood risk and drainage;
- Impact on existing and prospective occupiers/end users; and
- Impact on existing infrastructure and facilities.

Planning assessment

Principle of development

Policy S1 sets out the Sustainable Growth Strategy for the District up to 2028. It confirms, inter alia, that at least 12,618 dwellings will be built within South Derbyshire, with the housing sites on a mixture

of brownfield and greenfield sites with encouragement given to the re-use of previously developed land. It seeks to retain, promote and regenerate employment development on sites in urban areas as well as provide for new infrastructure to support the growth across the District. There is encouragement for healthy lifestyles through greater accessibility for residents. The site is well positioned to fulfil these strategic aims of the Plan; it adjoins the edge of Derby and is located on a regular bus route. Cycling opportunities towards the centre of the City are also possible. Furthermore, the policy states it is essential that the District's heritage assets, landscape and rural character are protected, conserved and enhanced.

Paragraph 5.17 of the LP1 states that *"the overall strategy for the distribution of housing for the period of this Plan is led by allocations that will be made through both parts of the Plan. However, it is accepted and in line with the NPPF that other sites will need to be considered throughout the lifetime of the Plan and Policy H1 will ensure that development is directed towards the more sustainable settlements"*.

Policy H1 sets out the settlement hierarchy, which is based on the range of services and facilities that are offered by each settlement. The level of development for each settlement will be of a scale appropriate to the size and role of that settlement. The top of the hierarchy refers to 'Urban Areas' and defines this as including *"adjacent to Derby"*. However, the policy clarifies this by stating *"development of all sizes within the settlement boundaries will be considered appropriate and sites adjacent to settlement boundaries as an exceptions or cross subsidy site as long as not greater than 25 dwellings"*. The meaning of 'exception' has been the subject of much debate in recent appeals, but a Court ruling this summer has confirmed the Council's interpretation – that it is an affordable exception site.

The proposal is not advanced as an affordable led site and thus it conflicts with policy H1 and the Plan as a whole, given the strategic purpose of that policy. Nonetheless, it is necessary to apply the planning balance under section 38(6) of the 2004 Act which requires material considerations to be taken into account. This is discussed further below. The economic, social and environmental benefits of the scheme should also be weighed against any conflict with planning policy. Furthermore, policies BNE5, H27 and H28 operate together to support the conversion of existing buildings in rural locations, and this point is explored further below.

Heritage considerations

The response of the Development Control Archaeologist (DCA) makes clear the value of the farmstead and its associated buildings, collectively representing a relatively well-preserved 19th Century example of agricultural methods prevalent in the region at the time.

The Conservation Officer visited the site alongside the Case Officer where it was evident that the house and attached ranges are of historic interest and, at one stage, importance due to the extent of the complex and the size and detailing of the house (e.g. the large reception rooms with high ceilings, grand entrance hall, shutters to large windows, etc.). Consequently, given the response of the DCA, further consideration was given to whether the farmhouse and attached outbuildings and barns could qualify for statutory listing. Regrettably, there has been the loss of some key features and alterations to the main house which has compromised it beyond attaining listed status (e.g. the replacement throughout of windows and internal alterations). However, the fabric, historic layout and associated farm complex remains fairly intact and legible and is a good example which is worthy of a non-designated status. This includes the associated outbuilding complex which provides a legible overview of a historic farmstead (although it is acknowledged that there has been some loss and alteration). Overall, the historic fabric, layout and associations are still evident and result in a quality non-designated heritage asset.

This forms an important baseline in assessment of the proposals. There is a presumption to preserve and enhance heritage assets – even those which are not on the statutory list and the benefits of the scheme must be weighed against the harm. The initial proposals looked to demolish all but the main farmhouse, including the attached range leading from its rear. From a look around the main building, although there is evidence of damp this is easily rectified by attending to maintenance of gutters, downpipes and valleys. There was no major cracking, etc. that would indicate the main house structure itself is compromised, although it is need of sympathetic renovation. The rear outbuildings and

associated historic barns seem to be in adequate condition (based on a brief external assessment) although there will be parts that need re-building/stitching together. At this point in time, there is no reason to believe that the existing structures are beyond use or repair and that total demolition is justified.

The first edition of the Ordnance Survey map (1886) indicates an orchard to the front of the site. This open character is still appreciated as garden space and indicates the historic layout and status. This area in particular needs to remain open and free of development in order to retain the legibility and character of the complex. The originally proposed development in front of this would have resulted in harm to the setting of the non-designated heritage asset and would block views from the road of the main house itself which, although set-back, indicates some status due to its extent and associated plot.

Understandably, the principle of the scheme as originally presented could not be supported. Amendments were discussed which resulted in broadly the scheme now presented, which has been amended further since. These began from a starting point of preserving the key early elements of the farmstead as shown on historic mapping – namely the farmhouse, the attached outbuildings, the covered carriageway and the connected cow-shed. It was identified at an early stage that the smaller traditional building sitting forward of the cow-shed were simply too small and awkwardly placed to allow for a suitable development scheme to arise. Furthermore, it is acknowledged that the setting of the historic buildings have been compromised by later development and infill, such that some form of development – particularly to the rear of the site would be acceptable in terms of impact on the significance of the non-designated heritage asset (i.e. the historic farm and complex).

Understandably, the total number of dwellings possible just from conversion (two) is unlikely to sustain the conversion and repair of the relevant buildings, and whilst no detailed cost analysis has been provided in support, it is not unreasonable to assume some degree of supporting development is required to cross-fund the works and thus secure the preservation and enhancement of the heritage asset. Indeed, the agricultural activity at the site ceased long ago and the buildings are already falling into disrepair, which in the longer term is likely to see them reach an irretrievable state or collapse.

There is also the opportunity to provide an enhancement to the complex through re-introducing a degree of enclosure to the south and rear of the historic complex, facilitating the removal of less complementary elements of the existing farmstead including areas of hardstanding and modern steel framed buildings. This would also offset the removal of a less than ideal post-war barn which sits forward of the historic cow-shed and could, in itself presently provide for a further two to three dwellings (albeit awkwardly with associated gardens and parking areas sitting within the setting of the farmhouse). The proposal would also facilitate the scope to re-introduce an orchard to the front of the site, alongside the proposed ponds which would also serve as attenuation for peak surface water flows.

The amended proposals thus limit any direct harm to the non-designated heritage asset by focussing demolition on the post-war additions to the farmstead and resulting in only limited removal of earlier structures (namely the smaller outbuildings). This harm must be weighed against the benefits as outlined above – these mainly being the long term preservation and enhancement of the heritage asset through facilitating an ongoing, active use alongside the restoration of features lost over time, such as the orchard. These are public benefits which weigh in favour of the proposal and are balanced further below.

Character and appearance

Policy H20 outlines the Council will seek to provide a balance of housing that includes a mix of dwelling type, tenure, size and density which takes into account the SHMA. The density of any site is to be considered individually as there is no evidence to support a set density across all sites, whilst housing development is expected to make the most efficient use of the land whilst taking into account what is appropriate for the surrounding local built and natural environment. Policies BNE1 and BNE4 address the physical considerations of design, embracing the District's heritage in the design of new development proposals, as well as effect on landscape character.

The rural farmstead approach and it containing and complementing an existing farmstead essentially nullifies any harm to landscape character – it providing a form of development which is consistent with

the Derbyshire guidance. Visually, the site is contained to the west and north, meaning that views of the proposal would be limited to those from Rykneld Road. The site is well contained in these respects and aspects of the development would be viewed against a built backdrop of dwellings on Rykneld Road, including the urban extension of Highfields Farm, and Rykneld Way to the north.

As discussed above, the layout of the farmstead is presently compromised by more recent additions in front of and in close proximity to the historic fabric. The proposed dwellings would provide a mix of 3, 4 and 5-bed dwellings set around and behind the original complex, with gardens placed to the outer edges of the site and central, shared courtyard arrangements emulating a farmyard – particularly to the rear of the cow-shed. The exception is the position of the gardens to plots 13 and 14 (the converted cow-shed) where these would be forward of the building and visible to public aspects. However, a 1.5m high boundary wall can be required under the landscaping reserved matter, whilst permitted development rights for outbuildings (along with extensions) can be withdrawn so to protect character. Indeed, it would be necessary to remove the same rights for plots 1 to 5 for the same reasons – there being aspects of the rear of these plots across the remaining open land to the south.

The finer details of appearance and internal layout of the dwellings can be addressed through the reserved matters where a more detailed assessment of amenity impacts can be made. However, the adjacent development within the City has been accounted for in the latest amendments, as has older housing surrounding the site, and it appears possible to achieve the minimum separation standards set out in the Design Guide SPD. Existing trees subject to protection have also been taken into account so that suitable living conditions would exist for prospective occupiers, and construction phase impacts can be controlled by way of condition. Further hard and soft landscaping, including an orchard and suitable paving materials, as well as management of communal areas such as this, can be secured at the reserved matters stage. Drainage features would also fall under conditional control.

Biodiversity impacts and gain

The impacts on protected species and priority habitat are discussed in the applicant's supporting information and the Wildlife Trust's response above. Given the impact on a European protected species, the Council must consider the derogation tests under the Habitat Regulations. These are:

- (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)); and
- (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)).

The Trust has confirmed that (iii) is satisfied, subject to conditions. In terms of (i) and (ii) there is not considered to be a satisfactory alternative. The alternative would be a retention of further buildings with no conversion opportunities possible, which would in turn lead to a return to the original proposals present which are unacceptable on heritage and character/design grounds. This alternative would not secure the public benefits which arise under the current proposals and result in, more than likely, the continued redundant nature of the farmstead and eventual deterioration of the species' habitat in any case. A positive intervention is therefore required. With this in mind, the Council is considered to have discharged its duties under the Habitat Regulations subject to imposition of conditions to secure appropriate control of the works and to deliver an overall biodiversity gain.

Highway capacity/safety and sustainable transport

The local road network is considered to have sufficient capacity to accommodate a scheme of this size. In addition, there are sustainable transport alternatives available and the site lies close to the strategic road network for access to other routes into the City. The access arrangements are deemed acceptable to the CHA, subject to conditions, whilst parking provision can be scrutinised further at the reserved matters stage to ensure adequate provision. The fact that the access road is not adoptable is not a barrier to the development proceeding, although consideration will need to be given to ensuring

appropriate management and maintenance of this road and facilitating refuse and service delivery vehicles accessing the site.

Flood risk and drainage

The proposal is designed to dispose of surface water flows at a greenfield rate, reflecting the current circumstances. The increase in hard surfaces across the site can be appropriately addressed through pond attenuation features, which can also deliver biodiversity gain, and a suitable outfall (the existing watercourse). Foul water drainage would be subject to a connection agreement under the Water Act although, in this instance, it is considered prudent to secure further detail of how the connection will be achieved given the alternative would be individual on-site drainage arrangements – less preferable under policy SD3.

Impact on existing and prospective occupiers/end users

The effect of existing trees on prospective occupiers, as well as matters of privacy and overlooking, are discussed in principle above. The construction phase impacts on surrounding residents can be appropriately mitigated through condition, as can any potential risk from land contamination.

Impact on existing infrastructure and facilities

Policy INF1 states new development that generates a requirement for infrastructure will be expected to provide the necessary on and off-site provision to support and mitigate the impact of that development – often in the form of financial contributions. The viability of development will also be considered when determining the extent and priority of contributions. Policy INF6 notes that development that increases the demand for community facilities and services makes appropriate contributions towards providing new facilities or improving existing facilities. Policy INF9 notes that current provision of open space and sports and recreation facilities in South Derbyshire is not sufficient to meet local need and, to address this, opportunities for creating new or enhanced facilities will be sought.

Policy H21 confirms the Council will seek to secure up to 30% of new housing development as affordable housing on sites of over 15 dwellings. This proposal provides for 14 dwellings, two less than would otherwise trigger a proportion of affordable housing on the site.

The impacts on existing infrastructure and facilities would be focussed on education and recreational provision. The surplus open space within the site is not proposed to form an area of public open space (POS) such that contributions are warranted, alongside built facility and outdoor sports contributions, in line with the Council's SPG. The education contributions are set out above. In brief, the total contributions gained would be:

- Primary education: £51,529.77
- Secondary education: £105,715.14
- Recreation open space*: £17,531.00 (based on £373.00 per bedroom)
- Recreation outdoor sports facilities*: £10,340.00 (based on £220.00 per bedroom)
- Recreation built facilities*: £5,771.60 (based on £122.80 per bedroom)
- Monitoring fee: £1,000.00

*Approximate, based on the outline nature of the proposal and the plans provided.

The s106 would also deal with arrangements for the long-term ownership of the open spaces, circulation areas and drainage on the site, as well as funding of any management company/ies.

Benefits of the development and the planning balance

As noted above, the determination of this application rests on a balance between the conflict with LP1 policy H1 (and in turn BNE5 and SDT1 in that the proposal provides for new residential development in the rural area beyond that allowed through BNE5 – i.e. conversion). However, it is important to remember the purpose of these policies – that is to guide new residential development to the most sustainable locations and minimise the impact on the rural landscape. In this proposal, neither of these

aims are compromised – the site is sustainably located and, as discussed above, the proposal would provide a character and form of development which is complementary to the rural character of the area.

However, the main benefit arising from the development is the scope to secure the long-term future of the non-designated heritage asset which, although not likely qualifying for statutory listing, carries considerable merit on a local scale. The development as a whole would help to secure this benefit which is attributed considerable weight in the planning balance. The economic and social benefits of additional housing provision in a sustainable location also carries merit. In an environmental sense, what appears as derelict land would be brought back into use with enhancement, in the long term, of the environment of this locale. Biodiversity gain can also be secured.

Thus, the balance is one of these benefits against what is essentially an in-principle conflict with the strategy of the Plan. It is only due to the proposal being market housing led that this conflict exists, and it is likely that the viability, and thus deliverability, of an affordable led scheme would be questionable given the higher costs of conversion and the need to deliver a higher quality finish overall, given the heritage context. Furthermore, a cross subsidy scheme would only deliver 7 affordable units of which Highfields Farm has delivered circa 175 units in the last few years, with City allocations also likely to deliver considerable numbers in the near future. The lack of affordable housing delivery from the proposal is thus not considered to weigh heavily against it, and in turn – with other elements of policy H1 satisfied, it is considered the benefits arising outweigh any harm – that harm essentially limited to an ‘on paper’ conflict with the Plan.

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

- A. Delegate authority to the Head of Planning and Strategic Housing to draft and complete a section 106 agreement to secure the planning obligations as set out in the report above;
- B. Delegate authority to the Head of Planning and Strategic Housing to agree the final wording of the conditions, noting that at the time of writing any pre-commencement conditions are subject to a statutory 10-day notification;
- C. Subject to A and B, **Approve** permission subject to the conditions as agreed under B, as substantially set out below:
 - 1. (a) Application for approval of the reserved matters listed at condition 2 shall be made to the Local Planning Authority before the expiration of three years from the date of this permission; and
(b) The development hereby permitted shall be commenced before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To conform with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 2. Before any development is commenced the further approval of the Local Planning Authority is required with respect to the following matters (herein referred to as ‘the reserved matters’) on an application made in that regard:
 - (a) appearance,
 - (b) landscaping, and
 - (c) layout (in so far as internal layout of the buildings).

Reason: This permission is granted in outline under the provisions of Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015 and section 92

of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

3. The matters of access, layout (except where reserved) and scale shall be carried out in accordance with the Proposed Site Plan ref. 10001 Rev. P2, the Proposed Sections ref. 10002 Rev. P2, the Proposed Sections ref. 10003 Rev. P2 and the Proposed Sections ref. 10004 Rev. P2, all received on 23 June 2020, whilst the reserved matters shall be designed broadly in accordance with the same plans and include the following specific requirements and/or be supported by the following documents in so far as relevant to that matter:
- (a) a Landscape and Ecological Management Plan (LEMP) for all retained and created habitats demonstrating provision for the establishment of the approved landscaping scheme for a period of no less than thirty years and details of the legal and funding mechanism(s) by which the long-term implementation of the LEMP will be secured by the developer with the management body(ies) responsible for its delivery;
 - (b) a bird mitigation and enhancement strategy which shall, as a minimum, include features incorporated into the new buildings for house sparrows, swallows and starlings as well as measures and means of communication to ensure the retention of these features throughout the lifetime of the development;
 - (c) details of hedgehog holes/tunnels within boundary fences and walls at ground level to residential gardens;
 - (d) each dwelling to be provided with designated space for the parking of 1.5 vehicles per 1-bedroom dwelling, two vehicles per 2-3 bedroom dwelling and three vehicles per 4+ bedroom dwelling. Parking spaces shall be no less than 5.5m in depth and 2.4m in width, increasing to 3m in width where the space is abutted by a building or boundary treatment. Where a garage or car port is counted as a parking space, the internal dimensions shall not be less than 3m x 6m, whilst further spaces in front of garage doors shall be no less than 6m in depth;
 - (e) domestic bin collection points, sufficient for holding no less than 2 bins per dwelling on collection days, close to the interface between adopted and private highway to prevent refuse bins and collection vehicles standing on the adopted highway for longer than necessary causing an obstruction or inconvenience for other road users;
 - (f) details of an orchard to be included as part of the landscaping reserved matter;
 - (g) a landscape management plan (LMP) for all non-domestic areas of landscaping created on the site (i.e. public open spaces, shared gardens and landscaped areas to non-domestic premises), including the location and type of litter and dog waste bins along with benches throughout the areas of public open spaces within the site; and
 - (h) details of subterranean tree and hedgerow root growth facilitation measures, including use of subterranean cage methods in or adjoining areas of hardstanding.

Reason: In the interests of achieving sustainable development, having particular regard to the potential impact of the development on the character of the surrounding area, biodiversity protection and net gain, highway safety and sustainable modes of transport and site connectivity.

4. No development, including preparatory works, relating to plots 1 to 12 shall commence until a contract for the concurrent conversion of the barns forming plots 13 and 14 and for repairs to the farmhouse and its attached outbuilding range has been secured, evidence of which (including a schedule of repairs to the relevant buildings) shall be first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the benefits of the scheme, as weighed against the conflict with the Development Plan, are realised and in the interests of securing the long-term preservation and enhancement of the heritage asset.

5. During the period of construction, no ground, construction or fitting out works shall take place and no deliveries shall be taken at or dispatched from the site other than between 0800 and 1800 hours Monday to Friday and 0800 and 1300 hours on Saturdays. There shall be no construction works (except for works to address an emergency) or deliveries on Sundays or Bank Holidays.

Reason: In the interests of protecting the living conditions of prospective occupiers and the amenity of the area and adjoining occupiers, recognising that initial preparatory works could also cause unacceptable impacts.

6. No development shall commence until a suitable scheme for the prevention of ground gas ingress has been submitted to and approved in writing by the Local Planning Authority. Alternatively the site shall be monitored for the presence of ground gas and a subsequent risk assessment completed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Both schemes shall meet the requirements in Box 4, Section 3.1 of the Council's 'Guidance on submitting planning applications for land that may be contaminated' and include relevant mitigation where necessary. The approved preventative or mitigation measures (if any) shall be incorporated the development and upon completion, verification of their correct installation (if any) shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby permitted (or of each respective dwelling should it be necessary to verify on a plot by plot basis).

Reason: To protect the health of the public and the environment from hazards arising from previous uses of the site and/or adjacent land which might be brought to light by development of it, recognising that failure to address such matters prior to development commencing could lead to unacceptable impacts even at the initial stages of works on site.

7. If during development any contamination or evidence of likely contamination is identified that has not previously been identified or considered, a written scheme to identify and control that contamination shall be submitted to and approved in writing by the Local Planning Authority prior to any further works taking place. This shall include a phased risk assessment carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part IIA (or equivalent guidance which may subsequently update or replace it), and appropriate remediation/mitigation proposals. The approved scheme shall be implemented in accordance with the approved remediation/mitigation proposals.

Reason: To protect the health of the public and the environment from hazards arising from previous contamination of the site which might be brought to light by development of it.

8. No development shall take place until a scheme of dust mitigation measures and for the control of noise emanating from the site during the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented throughout the construction period.

Reason: In the interests of protecting the amenity of the area and adjoining occupiers, recognising that initial preparatory works could cause unacceptable impacts.

9. No development, including preparatory works, shall commence until details of measures indicating how additional surface water run-off from the site will be avoided during the construction works have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence.

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 itself; recognising that initial works to prepare the site could bring about unacceptable impacts.

10. No development shall commence until a detailed assessment to demonstrate that the proposed destination for surface water, assessed across the site as a whole, accords with the hierarchy in paragraph 80 of the Planning Practice Guidance (or any revision or new guidance that may replace it) has been submitted to and approved in writing by the Local Planning Authority. The assessment shall include a full understanding of any springs within the site and any associated

mitigation requirements, and 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 surface water drainage system;
- iv) to a combined sewer.

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.

11. No construction of a building or hard surface, setting of site levels or installation of drainage services/utilities shall take place until a detailed design of, and associated management and maintenance plan for, surface water drainage of the site, in accordance with the technical notes and principles outlined within:
 - a) the Flood Risk Assessment and Outline Drainage Strategy (ref. MMA01446 Revision V1.1) dated 9th October 2018, including any subsequent amendments or updates to that document as approved by the Lead Local Flood Authority; and
 - b) Defra non-statutory technical standards for sustainable drainage systems,has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that, as a minimum, suitable capacity is proposed to attenuate peak flows from the site, making allowance for climate change and urban creep, and where necessary include measures to capture overland flows between proposed and existing properties. Attenuation ponds shall be fully designed and constructed in line with CIRIA SuDS manual C753. The scheme shall also include drawings and details, including the colour and appearance of any safety railings, of all inlet and outfall structures to attenuation ponds, as well as details of any proposed management company, responsible person(s), the mechanism of funding of the management company (including the details of any proposed service charge payable by the owners of the dwellings, justification for any amount proposed and the mechanism for calculating future increases in the service charge) so that the management company will be capable of carrying out the inspection, management and maintenance of the retained surface water drainage features.

The surface water drainage infrastructure shall be installed in conformity with the approved details prior to the first occupation/use of each respective building/road/hard surface served by the surface water drainage system or in accordance with a phasing plan first submitted to and approved in writing by the Local Planning Authority. Any elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan.

Reason: To ensure that the principles of sustainable drainage can be incorporated into the development, noting that initial preparatory and/or construction works may compromise the ability to mitigate harmful impacts.

12. Upon completion of the surface water drainage system, including any attenuation ponds and swales, and prior to their adoption by a statutory undertaker or management company, a survey and report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall be carried out by an appropriately qualified Chartered Surveyor or Chartered Engineer and demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 11. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed by an independent surveyor, with their findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the effective operation of the surface water drainage scheme following construction of the development.

13. No construction of a building or hard surface, setting of site levels or installation of services/utilities shall take place until a scheme for the drainage of foul water from the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in conformity with the approved details prior to the first occupation of each respective dwelling served by the foul water drainage system.

Reason: To ensure a satisfactory drainage solution is secured in line with the drainage hierarchy, in the interests of minimising the likelihood of flooding incidents and pollution of the environment.

14. a) No development shall take place until a Written Scheme of Investigation (WSI) 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
- i) the programme and methodology of site investigation and recording;
 - ii) the programme for post investigation assessment;
 - iii) provision to be made for analysis of the site investigation and recording;
 - iv) provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v) provision to be made for archive deposition of the analysis and records of the site investigation; and
 - vi) nomination of a competent person or persons/organisation to undertake the works set out within the WSI.

b) No development shall take place other than in accordance with the archaeological WSI approved under condition (a).

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

Reason: To enable potential archaeological remains and features to be adequately recorded, in the interests of the cultural heritage of the District, recognising that initial preparatory works could have unacceptable impacts.

15. No construction of a building or hard surface, setting of site levels or installation of drainage services/utilities shall take place until details of the finished floor levels of the buildings and hard surfaces, and of the proposed ground levels of the site relative to the finished floor levels and adjoining land levels, have been submitted to and approved in writing by the Local Planning Authority. Such details shall be supplemented with locations, cross-sections and appearance of any retaining features required to facilitate the proposed levels. The development shall be constructed in accordance with the approved details.

Reason: To protect the amenities of adjoining properties and the appearance of the area generally, recognising that site levels across the site as a whole are crucial to establishing infrastructure routeing/positions.

16. No removal of trees, hedges, shrubs, buildings or structures 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 trees, hedges, shrubs, buildings or structures shall be removed between 1st March and 31st August inclusive other than in accordance with the approved bird nesting protection scheme.

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

17. Prior to the commencement of any works which may affect bats and their habitat, a detailed Bat Mitigation Strategy based on the mitigation and compensation measures outlined in the Bat

Activity Surveys report prepared by EMEC Ecology dated 30th September 2020 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.

Reason: In order to safeguard protected and/or priority species from undue disturbance and impacts, noting that initial preparatory works could have unacceptable impacts.

18. No development, including preparatory works, shall commence until a scheme for the protection of retained trees and hedgerows has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be based on 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 approved scheme of protection shall be implemented prior to any works commencing on site and thereafter retained throughout the construction period.

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.

19. No development shall take place within a phase or sub-phase until a construction management plan or construction method statement for that phase or sub-phase has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for the storage of plant and materials, site accommodation, loading, unloading of goods' vehicles, parking of site operatives' and visitors' vehicles, routes for construction traffic, hours of operation, method of prevention of debris being carried onto highway and any proposed temporary traffic management.

Reason: 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.

20. Before any other operations are commenced, the existing access to Rykneld Road shall be modified in accordance with the approved site layout plan, laid out, constructed and provided with 43m visibility splays in both directions, measured to the nearside edge of the carriageway, as measured from a point located centrally and 2.4m back into the access. The area within the sightlines shall thereafter be kept clear of any object greater than 1m in height (0.6m in the case of vegetation) above the nearside carriageway channel level.

Reason: To ensure safe and suitable access for all users, in the interests of highway safety.

21. Any entrance gates erected shall be hung to open away from the adopted highway and set back by a minimum distance of 5m as measured from the nearside edge of the carriageway..

Reason: To ensure safe and suitable access for all users, in the interests of highway safety.

22. Where roads/streets and courtyards provided are not to be adopted by the Local Highway Authority, prior to the first occupation of a dwelling, details of the management company that shall be responsible for the future maintenance of all the shared/unadopted roads, footways and parking areas within the site, along with an ongoing maintenance strategy (including the details of any proposed service charge payable by the owners of the dwellings, justification for any amount proposed and the mechanism for calculating future increases in the service charge), and timescales for their transfer to such a company, shall be submitted to and approved in writing by the Local Planning Authority. Such areas shall be transferred to the management company in accordance with the approved details.

Reason: In the interests of maintaining suitable access and turning space within the site for occupants', visitors', service and emergency vehicles throughout the life of the development, and ongoing maintenance of street furniture, lining, lighting, etc. in the interests of highway safety.

23. 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 dwellings hereby permitted shall not be enlarged, extended or altered, and no buildings, gates, walls, fences or other means of enclosure (except as authorised by this permission or allowed by any condition attached thereto) shall be erected on the site without the prior grant of planning permission pursuant to an application made to the Local Planning Authority in that regard.

Reason: To maintain control in the interest of the character and amenity of the area, having regard to the setting of heritage assets and the effect upon the street scene..

24. No less than 1 recharge point for electric vehicles shall be provided within the curtilage to each dwelling within the development. The 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. Alternative provision to the above specification must first be submitted to and approved in writing by the Local Planning Authority. To prepare for increased demand in future years suitable and appropriate cable provision shall be included in the scheme design in accordance with details first submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging points shall be provided in accordance with the stated criteria and approved details prior to the first occupation of the respective premises 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.

25. Each dwelling shall be constructed and fitted out so that the estimated consumption of wholesome water by persons occupying the dwelling will not exceed 110 litres per person per day, consistent with the Optional Standard as set out in G2 of Part G of the Building Regulations (2015). The developer, in advance of seeking Building Regulations approval, shall inform the building control body that this optional requirement applies.

Reason: To ensure that future water resource needs, wastewater treatment and drainage infrastructure are managed effectively, so to satisfy the requirements of policy SD3 of the Local Plan Part 1.

Informatives:

- a. This permission is the subject of a unilateral undertaking or agreement under Section 106 of the Town and Country Planning Act 1990. All formal submissions to discharge obligations of the undertaking or agreement, or queries relating to such matters, must be made in writing to s106@southderbyshire.gov.uk with the application reference included in correspondence.
- b. The Council strongly recommends that the developer explores the use of renewable sources for the supply of energy to their development.
- c. The developer is advised to liaise with the Local Planning Authority prior to submitting details of reserved matters for approval. It is strongly encouraged that, in addition to the requirements set out in any conditions, adequate details are supplied so to negate the need for further conditions upon approval. For example, details and locations of boundary treatments and species and size for soft landscaping should be provided pursuant to matters of landscaping, whilst details and/or samples of facing and surfacing materials and details of porches, rooflights, verges, eaves, cills and lintels should be provided pursuant to matters of appearance. For all matters, attention should be given to the Council's Design Guide Supplementary Planning Document - in particular the relationship with surrounding properties and the quality of materials and finishes expected.
- d. The details submitted under reserved matters should ensure that (i) all exposed housing elevations are well treated to allow a view between interiors and external space; (ii) where housing is set in blocks of more than two properties, rear garden access originates within the view of associated houses either by using gated undercroft alleyways, through plot access where practical, or by breaking up housing blocks into two or less,

and that all shared rear garden accesses are secured at the point of origin with a lockable gate; and (iii) enclosed parking courtyards are overlooked or gated.

- e. 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.
- f. The County Flood Risk Team advises:
 - Any alteration to existing impermeable surface area of the site may exacerbate surface water flood risk, so new impermeable surfaces should be limited where possible. Where an increase in impermeable area is unavoidable, Derbyshire County Council (DCC) strongly promote Sustainable Drainage Systems (SuDS) to be incorporated within the design of a drainage strategy for any proposed development, applying the SuDS management train with an appropriate number of treatment stages. The applicant should demonstrate, to the satisfaction of the Local Planning Authority, the appropriate level of treatment stages from the resultant surface water in line with Table 4.3 of the CIRIA SuDS Manual C753. This type of development usually requires >2 treatment stages before outfall into surface water body/system which may help towards attainment of the downstream receiving watercourse's Water Framework Directive good ecological status. Surface water drainage should be designed in line with the non-statutory technical standards for SuDS (March 2015) where reasonably practicable, and ground infiltration to manage the surface water is preferred over discharging to a surface water body or public sewer system.
 - Any SuDS should be designed to ensure that the maintenance and operation requirements are economically proportionate and that a maintenance plan is available to the persons/organisations that will be responsible for ongoing maintenance.
 - The applicant is advised to contact the Environment Agency (EA) that hold modelling data for Main Rivers and some ordinary watercourses if fluvial flood risk is a concern.
 - Due to the historic mining and mineral extraction operations in Derbyshire, adits may exist beneath the surface. The applicant is therefore advised to investigate the potential for hidden watercourses existing on the land prior to any works being undertaken.
 - Development located in areas where the water table is at a shallow depth may be susceptible to groundwater flooding. Development site drainage should be considered carefully to avoid any increased risks associated with groundwater. DCC would not recommend infiltration as a means of development site surface water disposal in areas where geohazards or ground instability are deemed likely without appropriate analysis of the risks involved. Infiltration of surface water to the ground is also not advised in sensitive groundwater areas without an appropriate SuDS management train.
- g. The LEMP as required by condition to accompany any reserved matters application should also contain the following:
 - a) Ecological trends and constraints on site that might influence management;
 - b) Aims and objectives of management, including mitigation and enhancement for species identified on site and as advocated by the response of the Derbyshire Wildlife Trust (dated 31 October 2019);
 - c) Appropriate management options for achieving aims and objectives;
 - d) Prescriptions for management actions;
 - e) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a ten-year period); and
 - f) Ongoing monitoring and remedial measures, including where monitoring shows that conservation aims and objectives of the LEMP are not being met.
- h. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy, Transport and Communities at County Hall, Matlock regarding access works within the highway. 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.
- i. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway, measures should 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 gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
- j. Pursuant to Section 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.

- k. The Highway Authority recommends that the first 5m of the proposed access/driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel, etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the landowner.
- l. Any works in or nearby to an ordinary watercourse may require consent under the Land Drainage Act (1991) from Derbyshire County Council (e.g. an outfall that encroaches into the profile of the watercourse, etc.). Upon receipt of any application (including the legislative fee) Derbyshire County Council has an 8-week legislative period in which to make a decision and either consent or object the proposals. If the applicant wishes to make an application for any works please contact Flood.Team@derbyshire.gov.uk.
- m. The watercourses, attenuation pond(s) and/or swale(s) which would be incorporated into public areas on the site should be designed to accord with health and safety guidance as set out in the CIRIA SuDS Manual 2015 (C753) or guidance that may update or replace it, and to meet the requirements of the Construction (Design and Management) Regulations (CDM) 2015 through assessing all foreseeable risks during design, construction and maintenance of the pond, minimising them through an 'avoid, reduce and mitigate residual risks' approach.