

Item No. 1.1

Ref. No. [DMPA/2024/0377](#)

Valid date: 14/06/2024

Applicant: Naval Khosla

Agent: Terrence Hodgkins Architect

Proposal: Demolition of play group and nursery (Use class Ef) and erection of 35 bed extension to care home (Use class C2) at Tynefield Court, Blakeley Lane, Etwall, Derby, DE65 6SJ

Ward: Etwall

Reason for committee determination

The application is presented to Committee at the request of Councillor Kirke due to local concern regarding the proposed development.

Executive summary

The application proposes the demolition of redundant buildings last used as a day nursery and the construction of an extension to an existing care home, Tynefield Court. The application site has a longstanding history as a care home and the planning history indicates the day nursery originated from a change of use of part of the care home.

The site occupies a relatively isolated location outside any defined settlement boundary. The key issues for consideration are whether the proposal accords with the relevant policies for development in this location, whether the loss of the nursery and replacement with additional care provision is acceptable and whether the development can be undertaken without resulting in harm to biodiversity, character, amenity, highway safety, or any increase to flood risk.

Officers consider the long-established use of the site together with the scope for the development to provide care and employment locally to fulfil the requirements of rural development policies. The supporting information further details the growing need for this type of care provision and an inability, specifically at Tynefield Court, to meet current demand, this is considered to present a business case for the expansion of the care home. The material effects of the development are considered to be acceptable, and no objections are received from statutory consultees regarding these matters. The loss of the nursery is noted to have some impact, however as the nursery is not currently operational and the proposals offer further benefits, albeit to a different group within the community, it is considered to be acceptable to facilitate the development.

Officers consider the benefit of providing a modern extension to secure additional care facilities within the district to outweigh the loss of a redundant building and dated extensions to the existing care home. In the absence of any objection from statutory consultees the application is therefore recommended for approval.

Site Description

The application site lies wholly within the Parish and Ward of Etwall, occupying a relatively secluded site to the west of Etwall Road, vehicular access from here being taken to the site via Blakeley Lane. To the north the site is bound by trees, beyond which lies the A50 which forms part of the Strategic Road Network, a pedestrian bridge over the A50 connects the site to Eggington Road leading to Etwall village north of the site and A50. The southern periphery of the site is bound by fields understood to be in agricultural use. To the west of the site Etwall Brook lying partially obscured by woodland areas meanders on a north - south trajectory. Areas of the western periphery of the site lies within Flood Zone 3 due to the proximity to Etwall Brook.



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The site is currently occupied by a main care home building, Tynefield Court which has a winged layout with 3no bedroom wings projecting north from the main building which has a broadly east to west layout, a third, less regular spur contains the kitchen and some common spaces at the eastern range of the main building. To the east of the main building lies the now unoccupied nursery building and gardens. To the north and west of the nursing home lie a single range of 3 single storey bungalows and 3 ranges of 4 bungalows, though within the confines of the site the bungalows do not form part of the application.

Site Summary

Settlement boundary	Outside	Flood zone	1 and 3 – Highest risk, site partially affected, operational development not within this area
Neighbourhood Plan Area	Not within	Green belt	No
Conservation area	No	Listed building	No
River Mease SAC Zone of Influence	No	Allocated site	No
Tree preservation order	Individual	Coal Mining risk	None
Agricultural Land Classification	N/A - PDL	National Forest Area	Not within
Great Crested Newt (GCN) risk zone	Amber		

The proposal

The application proposes the demolition of an existing building and extensions at the site to facilitate the construction of an extension to the existing care home, Tynefield Court. The building to be demolished is currently unoccupied and was last used as a children's day nursery. The proposed extension would lie to the east of the existing care home from which it would project circa 39m from the existing care home, the southern elevation would follow the existing southern elevation of the care home in a linear form. From the connecting area two 'wings' would project forward to the same extent as the existing care home wings and stop adjacent the Blakely Lane Access. The bulk of the central area connecting the wings would project forward of the existing central area. Between the two wings the plans show a courtyard area that is proposed to provide 1 accessible parking space and an area for ambulance / goods parking and turning.

The extension is proposed to be of a single storey, in keeping with the existing care home and reaching the central area connecting the existing building to the two new wings would have a maximum height of 4.5m to the ridge and 2.6m to the eaves, with the exception of a clock tower feature that would project to a height of a 6.15m and be located above the main entrance. The two wings would have hipped roof design reaching a maximum height of 2.87m to the eaves and 5.8m to the ridge.

Internally the development proposed would provide an additional 35 bedrooms which the supporting information indicates could be used to meet a range of care needs including, older persons care, palliative care, substance rehabilitation, care for those with learning disabilities, bariatric recovery and complex needs. Each bedroom would be ensuite with private showering and toilet facilities and bedrooms to the south and east will have patio doors opening onto the external landscaped spaces.

The submitted plans also show provision for a kitchen, two communal lounges, a staff room, office, laundry, drying room, food and general storage space and a shared bathroom.

Materials shown on the plans are a mix of brick, tiles and timber cladding, though full details are not supplied for either fenestration or facing materials.

Applicant's supporting information

Planning Statement, application for 35 bed extension to care home, Tynefield Court, Etwall DE65 6NQ

The planning statement sets out the site and proposed development describing the existing use and summarising occupancy and provides an estimate that the home has been unable to accommodate requests for care from between 100 and 150 individuals over the past 12-month period due to insufficient bedspaces. It sets out the current number of employees, the increases to this that would result from the development and the staffing levels and shift patterns.

It provides an overview of the surrounding care provision of similar homes within a 10-mile radius including Derbyshire and Staffordshire provision and notes the extension would provide a 7.5% increase. They note the extension would serve to meet the social needs of people within the surrounding area who require care and also provide employment opportunities and job security for existing staff. The report sets out the high-level demand nationally and the Derbyshire demand for care homes and provides an assessment on the compliance of the proposals with policies E7 and BNE5 of the South Derbyshire Local Plan and sets out that the benefits of the scheme are more than sufficient to outweigh any harms arising.

Design and Access Statement, Proposed Additional Accommodation Tynefield Court, Etwall DE65 6NQ

The Design and Access Statement (D&AS) sets out the existing and proposed development in the context of the site, it sets out the design and access principles used in preparation of the proposals for development. The D&AS sets out the existing site layout and buildings and the proposed demolition and erection of an extensions quantifying the development and providing a summary of the scale and form and how this will sit within the site and in relationship to the existing buildings. It sets out proposed external materials for the facing walls and clock tower. In terms of design it sets the context of the use for care purposes and confirm the design is in accordance with recommendations of the Care Inspectorate Design Guidance, noting comfortable living space and a variety of sitting rooms as well as better access to the buildings for emergency vehicles. They set out that elements of biophilic design to better connect the occupants to the natural environment are included within the landscaped courtyard adjacent the sitting room.

The D&AS sets out that the buildings will be heated using air source heat pumps and underfloor heating and will be built to comply with Part L of the Building Regulations. It further states that the building will have high thermal performance and use measures such as low energy light fittings.

Flood Risk Assessment, 3408, dated 03/05/2024, prepared by Brighton Consulting Engineers Limited

The Flood Risk Assessment (FRA) provides an overview of the site and development proposed setting out the intended use of the care home would fall within the *more vulnerable* uses in accordance with the Flood Risk Vulnerability Classification system. The FRA notes that the development proposed lies in flood zone 1 but that areas of the site included within the red line lie within flood zone 3.

The FRA confirms that the development will result in an increase in impermeable surface area from 4365m² to 5947m² (1582m²) – 36.2%.

Given the increased vulnerability of the users the FRA recommends the development of a flood emergency plan for the care home to detail evacuation procedure and safe internal and external refuge areas and subsequent incorporation into the home's health and safety plan to ensure accessibility and implementation in the event of a flood.

The report recommends the development incorporate sustainable drainage systems within the site to address the increased impermeable area either via soakaways, infiltration or attenuation and in accordance with the drainage hierarchy.

Preliminary Ecological Appraisal (PEA), report reference: BG23.317, prepared by Brindle & Green and dated February 2024

The PEA sets out the methods used to undertake the Phase 1 Habitat Survey and Protected Species Assessment at the site and provides a summary of the ecological constraints and confirms the suitability of habitats on the site to support with recommendations. The PEA contains recommendations for further surveys of Building 1 and 2 (those proposed for demolition) and methods of working and reasonable avoidance measures (RAMs) for protected and priority species. The report confirms its lifespan as 2 years.

The report assessed the buildings as having high suitability for supporting roosting bats and noted the close proximity of the site to other features such as arable land, trees and woodland surrounding the site that offer foraging and commuting habitats. In respect of Great Crested Newt (GCN) the report noted the presence of ponds in proximity to the site and the connectivity to the site provided by the woodlands, hedgerows and scrub surrounding the site. It also noted the suitability of the site for reptiles.

The report confirms the development, though lying within the Impact Risk Zone for Hilton Gravel Pits SSSI does not meet the criteria for risk and as such further action is not required in this regard and considers that direct impacts on the designated site are unlikely.

Biodiversity Impact Assessment, Tynefield Court, Blakeley Lane, Etwall, Derby, Report reference: BG23.317.2, May 204

The Biodiversity Impact Assessment builds on the findings of the PEA and summarises how the site has been assessed in terms of its biodiversity value in order to map and establish a baseline (existing) biodiversity value. It progresses to discuss the design of ecological enhancements within the scheme to arrive at a net gain to biodiversity. The appendix to the report includes detail of the existing habitats and the proposed plans together with ecological prescriptions for the site. The report sets out the baseline value for the site of 0.27 habitat units and 3.25 hedgerow units (these being assessed separately under the standard metric). The report sets out the proposed scheme as being calculated to have post development values of 0.44 habitat units and 3.54 hedgerow units, equating to net gains of 66.06% to habitats and 23.88% to hedgerows.

Relevant planning history

The site history is extensive, Officers understand the site was originally used as a hospital for smallpox patients at that time the site was known as Blakely Hospital. At some point during its history the site became a nursing home, Tynefield Court, the outlying bungalows were later additions but were either granted permission for use for patients or staff or people also benefitting from care associated with the main building. A number of the previous permissions had conditions restricting the use of the bungalows.

Blakeley Hospital

9/384/193 – Alternative uses in accordance with circular 49/63 for residential, social, recreational, visitation, light industrial office or storage purposes. Refused 20/07/1984

9/1084/762 – Extensions to enlarge wards and corridor and add porch and office. Approved subject to conditions 13/12/1984

9/185/984 – Erect temporary pre-fabricated building for use as a store. Approved subject to conditions 06/03/1985

9/485/37 – Rebuilding of Ward A. Approved subject to conditions 08/06/1985

9/1185/587 – Display directional sign. Consent 27/02/1986

9/1285/670 – Erect 8 self-contained residential units for nursing staff and convalescent patients. Approved subject to conditions 06/02/1986

9/380/932 – Replacement of sewage Treatment Plant. Approved subject to conditions 09/08/1986

9/886/129 – Double garage and refuse area. Refused. Appealed – outcome unclear from planning record, subsequent planning history indicates the appeal may have been allowed.

9/487/59 – Erect 3 self-contained units for staff and patient use. Approved subject to conditions 25/06/1987

9/589/132/F – 8 bedroom young persons unit, terrace of 4 bungalows. Approved subject to conditions 28/06/1989

9/790/436/F – Extensions / conversion of double garage into day nursery extensions. Approved subject to conditions 17/09/1990

Blakely Hospital / Tynefield Court

9/1291/896/F – Single Storey extension to provide training area. Approved subject to conditions 17/02/1992.

9/593/94/F Widening of vehicular access. Refused 01/07/1993

9/593/146/F – Terrace of 4 bungalows. Approved subject to conditions 30/07/1993

9/893/411/0 – Erection of daycare and respite annexe. Approved subject to conditions 30/09/1993

9/994/517/F – Prefab daycare centre and associated block. Approved subject to conditions 02/12/1994

9/595/79/F – Additional car park and floodlights. Approved subject to conditions 19/06/1995

9/795/277/U – Use of 3 Tynefield Mews as a day nursery. Approved subject to conditions 25/08/1995

B96/137 – Fire escape

9/498/90/F – Renewal of permission 9/593/146/F (Terrace of 4 bungalows). Approved subject to conditions 30/06/1998

9/2003/494/R – Renewal of planning permission 9/0498/0090/F for the erection of a terrace of 4 bungalows. Approved subject to conditions 03/09/2003

9/2002/276/h – change of office to nursery. Approved subject to conditions 02/10/2002.

Responses to consultations and publicity

Environment Agency – No comment 01/07/2024

The EA states the development falls within Flood Zone 1 and therefore the EA has no fluvial flood risk concerns associated with the site. The comments further confirm there are no other environmental constraints associated with the application site which fall within the remit of the EA. They invite further consultation should the proposals change.

National Highways - No objection 04/07/2024

Note the location and access arrangements of the proposed development and the increase in parking from 40 to 59 spaces will assist in catering for additional staff across the shift pattern. State the relatively small increase in vehicular movements to and from the site will not impact the safe operation of the Strategic Road Network. In terms of drainage they note that the content of the supporting information to manage surface water via soakaways or attenuation and connections to the storm water system in the roadway. They note foul drainage is to be provided via a connection to an existing sewage treatment plant. They request an informative setting out that there shall be no new connection into the highway drainage systems on the A50.

Derbyshire Constabulary Designing out Crime Officer – No objections 12/07/2025

No objections to the development as proposed.

Derbyshire Wildlife Trust – No objection subject to condition – 17/03/2025

Final comments: Confirm the proposed measures to secure a net gain to biodiversity can be accommodated within the site and advise inclusion of a condition to secure the ongoing management and maintenance of the net gain areas.

Subsequent comments: Confirm review of the submitted Preliminary Roost Assessment (The Bat Surveyor, October 2023), Bat Presence and Absence Survey report (Brindle & Green, July 2024) and Great Crested Newt eDNA report (Brindle & Green, July 2024). Confirm that no further bat specific mitigation or licensing are required but consider precautionary measures including lighting and implementation of bat boxes within the site in order to safeguard foraging routes and provide roosting opportunities for local bat populations.

For birds precautionary working and enhancement measures are also recommended. For Great Crested Newts (GCN) and other amphibians precautionary measures and the production of a herptile method statement to safeguard herptiles during the clearance and construction periods are recommended.

Initial comments: Support the recommendation for further nocturnal bat surveys on Buildings B1 and B2 and recommend further survey in B3 is included and make recommendations for the best practice for surveys. Confirm that DWT will be happy to comment further upon the findings of the recommended surveys.

Derby and Derbyshire Integrated Care Board

No comments received at the time of publication.

Derbyshire County Council - Adult Social Care – Support 18/07/2024

The Adult Social Care and Health team state they are firmly in support of this planning application, noting that there is a lack of nursing provision in South Derbyshire and this additional capacity would help meet demand. They further state their modelling of the nursing need for South Derbyshire shows an additional 261 nursing beds are needed to 2025.

Derbyshire County Council - Lead Local Flood Authority – No comment – 28/06/2024

Derbyshire County Council - Local Highway Authority - No objection subject to condition 08/10/2024
Confirm the proposed development access from a private road joining Egginton Road at a junction with good visibility. Note the proposed increase to parking provision with they consider acceptable in relation to the increased site and assumed number of staff for the proposed development. They consider the vehicular movements will be similar to the previously approved use as a nursery and state these would not have a material impact on the operation of the local road network or on road safety. Offer no objection to the proposals subject to the inclusion of conditions for the provision of additional parking spaces prior to the first use of the development.

South Derbyshire District Council

Environmental Health Officer – No objections subject to conditions 10/07/2024

The EHO state they have no objections and recommend conditions as summarised below:

1. Hours of construction
2. Prohibition of burning of materials during construction
3. Pre-commencement contaminated land assessment
4. Pre-commencement – remediation strategy (as necessary)
5. Pre-occupation – validation of any required remediation

Parks and Green Spaces Team

Tree Officer - No objection subject to condition 11/07/2024

Notes the development for which permission is sought and the presence of mixed hedge with grass buffer adjacent the field boundary, the presence of mature broadleaf and conifer trees on each side of Blakeley Lane and the broadleaved woodland to the norther boundary of the site adjacent the A50. They note the supporting information states that no trees will be removed for the construction and absence of a tree survey.

They note the proposed Landscape Plan (plan no. 23.114.11 R1) shows the presence of protective fencing and that proposed planting comprises holly and laurel to the west in blocks A and B and mixed species of hawthorn, hornbeam, blackthorn and privet in block C, they advise these species appropriate for the hedge in this location, and further suggest the inclusion of thorn less shrubs such as lavender and cotoneaster. They are unable to identify the location of Japanese Maple Trees (T1 - T4 and suggest a condition to secure a revised landscape plan.

Strategic Housing - No comment 19/07/2024

Note there is no Affordable Housing Proposed and offer no comment.

Other Responses

Etwall Parish Council – Object 08/08/2024

The comments of the Parish Council raise issues with the application, specifically with regard to the presence of multiple issues of documents; the overall state of repair which they feel should be upgraded overall, requesting any permission include a condition to bring the existing building into a similar state of repair to the proposed development; comments allege the bungalows currently are used for asylum seekers or migrant housing and note that these are also in a poor state of repair, they request clarification that there is no ability for the site to be converted into an asylum or migration centre and request clarification on statements within the Design and Access Statement pg 3 (*'It is also a sought-after home for supporting sponsorship workers and offers employment opportunities and further development for local and out of UK workers.'*). The final point raised by the Parish disputes that the loss of the nursery will have little effect or that it was not in demand, noting alternate providers lie more than 2 miles away and require private car use to access.

Wellbrook Medical Centre – Object 10/07/2024

The comments set out a formal objection to the proposed development and note the development would increase the capacity of Tynefield Court from 49 beds to 84 beds, which is a 72% increase to patient numbers alongside a proposed 25% (n = 13) increase in staff numbers. The Medical Centre anticipate a significant and direct workload impact upon Wellbrook Medical Centre as a result of the development.

The comments set out that there has been no dialogue with the GP practice who provides general medical services to Tynefield Court, about the proposed development to discuss how services will be provided. The comments note the scale of the increase in bed numbers is equivalent to taking on service provision to a new Care Home, stating that it currently provides support to 4, overall increasing registered bed numbers for the practice from 154 to 189, an increase of 23%. The Home are also supported by input from community nursing services, via Derbyshire Community Health Services NHS Foundation Trust who remain significantly pressured with existing bed numbers.

They state that the practice does not have the capacity, without significant additional resources, to take on the equivalent of another Care Home. They state the limited funding that is made available (just £80.77 per week in respect of these additional 35 beds (£10 per bed per month)) is insufficient to meet the cost of additional weekly ward rounds, acute visits, telephone consultations, prescribing, end of life care and ongoing support.

They raise concerns regarding the impact upon the enhanced clinical practitioners (ECPs) and community staff which falls outside the GP remit, and request this is considered and discussed.

They state they are not sure if their objections sit within the considerations of the planning process. Buts state: *'we feel strongly that central to any proposed development of this nature, should be the direct impact upon local NHS services. I have copied in my colleagues, (2 colleagues named) at the Derby & Derbyshire ICB, to whom we have already expressed our concerns.'*

Relevant policy, guidance and/or legislation

The relevant Development Plan policies are:

2016 Local Plan Part 1 (LPP1): S1: Sustainable Growth Strategy; S2: Presumption in Favour of Sustainable Development; S3: Environmental Performance; S6: Sustainable Access; Policy E7: Rural Development; 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, BNE3: Biodiversity; BNE4: Landscape Character and Local Distinctiveness; INF1: Infrastructure and Developer Contributions, INF2: Sustainable Transport; INF6: Community Facilities.

2017 Local Plan Part 2 (LPP2): SDT1: Settlement Boundaries and Development, BNE5: Development in Rural Areas, BNE7: Trees, Woodland and Hedgerows.

Local Plan Review

On 10 March 2025 the South Derbyshire Local Plan Part 1 Review was published for its period of formal representations under Regulation 19 (of the Local Plan Regulations) prior to submission to the Secretary of State (The Publication Version). This is the version of the Local Plan that the Council intends to submit for examination, and it is a material consideration in the determination of planning applications.

The weight to be attached to emerging local plans is set out in paragraph 49 of the NPPF.

With regard to paragraph 49a) the plan is at an early stage of preparation having not reached examination. In terms of 49b) there remain unresolved objections to the plan from its Regulation 18 consultation and the period for comments under regulation 19 will not expire until 25 April 2025. Although the plan is in general conformity with the NPPF (paragraph 49c) it has been published to benefit from the transition arrangements set out in paragraph 234 of the NPPF, meaning the Local Plan will be examined under the 2023 version of the NPPF. For all these reasons the weight to be attached to policies in the publication version of the Local Plan is low.

Where there is any conflict between policies in the publication version of the Local Plan and existing adopted Local Plan policies the decision should be taken in line with the adopted Local Plan policies.

Paragraphs 50 and 51 of the NPPF are also relevant which clarify that refusals of permission in line with emerging policies will seldom be justified before a plan has been submitted for examination. The plan is intended to be submitted for examination in Autumn 2025.

The relevant National Guidance is:

2024 National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

The relevant Local Guidance is:

South Derbyshire Design Guide SPD

Trees and Development SPD

The relevant legislation is:

The Town and Country Planning Act 1990

The Community Infrastructure Levy (CIL) Regulations 2010 (as amended)

Planning considerations

The application seeks full planning permission for the demolition of an existing nursery building and the erection of an extension to the existing residential nursing home, in C2 use. Taking this into account along with the documents submitted, supplemented and amended, where relevant, and having regard for the site and its environs; the main issues central to the determination of this application are:

- Policy and principle of development in this location
- Design and the impact of the development on the character of the surrounding area
- Residential Amenity
- Flood Risk and Drainage
- Highway access, safety and parking
- Protected species and biodiversity
- Trees and Landscaping
- Other issues
- Community facilities
- Healthcare
- Bungalows

Planning assessment

Policy and principle of development in this location

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the application site comprises the Local Plan, Part 1 (2016) and Part 2 (2017), in this location there is no adopted neighbourhood plan.

The NPPF sets out that local planning authorities must work proactively with applicants to secure developments that will improve economic, social and environmental conditions of an area and that decision makers at every level should seek to approve applications for sustainable development where possible. The balance of economic, social and environmental objectives are fundamental to achieving sustainable development.

Part 5 of the Framework sets out advice in relation to delivering a sufficient supply of homes and identifies that planning policies should cater for the needs of different groups in the community.

The application site lies outside a defined settlement boundary as set out in policy SDT1, development outside the settlement boundary should be limited to that considered acceptable by Policy BNE5.

Policy BNE5 defines the types of development acceptable in Rural Areas, stating that planning permission will be granted where the development is allowed for subject to a number of criteria, of relevance to this proposals are the following criteria:

- i) allowed for by policies H1, H22, E7, INF10, H24, H25, H26, H27 or H28; or
- v) will not unduly impact on: landscape character and quality, biodiversity, best and most versatile agricultural land, and heritage assets

This application is assessed to establish if it complies with the requirements of Policy E7 and if so, the requirements of part i) of Policy BNE5. If the proposals are assessed as meeting these policy tests, they can be considered in accordance with the development plan and therefore acceptable in principle. Part v) of Policy BNE5 seeks to ensure that developments acceptable outside the settlement boundary do not further impact a number of rural characteristics of the development, for brevity these matters are discussed in the relevant sections discussing the material merits of the development proposed.

Policy E7 states that development proposals which diversify and expand the range of sustainable employment activities opportunities on land outside of settlement boundaries will be supported by the Council, provided that the proposals support the social and economic needs of the rural communities of the District.

Further criteria are set down in the policy which set out that the Council will support proposals for the replacement of existing buildings and the 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

These tests seek to establish if the principle of development is acceptable and in compliance with the development plan and the NPPF.

The supporting information sets out that the current buildings are redundant, this was consistent with observations made during the site visit. The nursery was understood to offer childcare opportunities, however, the definition of *Community Facilities* within the glossary of the South Derbyshire Local Plan does not include day nurseries. Officers have reviewed the list of Assets of Community Value and there are no current or expired entries for this site. As such, the loss of the nursery is not considered to present a barrier to the demolition of buildings and the expansion of the existing care home in this instance.

The supporting information further sets out that the existing 49 bedrooms provided on site have an occupancy rate of around 90% and receive 4 -5 enquiries daily, the information estimates that, due to capacity, between 100 and 150 people have been unable to be accommodated over the past 12 months. This defines the demand for additional bedspaces at the site.

In terms of employment the site currently has a rota of 51 employees (34 F/T and 17 P/T) working across a rota pattern with 20 staff on site at any time. Staff work in 12 hour shift patterns from 8am to

8pm. The proposed development would require a 25% uplift in staffing numbers and would provide around 4.25 PT jobs and 8.5 FT jobs. Employment opportunities are stated to be available for both local and out of UK workers. It is further stated that the local university places student nurses at the scheme for work experience.

The supporting information further strengthens the case for the development referring to the increasing demand for care for people with dementia including Care Quality Commission (CQC) Registered Providers such as Tynefield Court. They set out that the high demand for private en-suite facilities for both general residential, residential dementia, and high dependence nursing or dementia care would be met in part by the development of the facility. The case for demand is considered to be further evidenced within comments from consultees at Derbyshire County Council's Adult Social Care and Health Team who in their comments of July 2024 identified a need for *261 nursing beds to 2025* and supported the proposed development.

The case made by the applicant further sets out that the investment into Tynefield Court is not insignificant and would not be made without a degree of certainty that the facilities were needed and would be used.

In terms of a business case, it is considered that the applicant has evidenced the growing need for up-to-date facilities to provide a range of nursing and dementia care within Derbyshire, the demand for which is corroborated by colleagues at the County Council. The site already benefits from this use, and the proposed development would extend and enhance the existing facilities for nursing care. In terms of addressing the introductory tests of E7 the information submitted evidence that the employment opportunities at Tynefield Court would be expanded. Given the lengthy history of the site, it is considered these are sustainable. Furthermore, the development is considered, via employment expansion, to support the economic needs of rural communities. In terms of social needs, the provision of care facilities is considered sufficient in this context to satisfy this element of the Policy by creating a greater number of beds which may offer opportunities for residents of South Derbyshire to receive care and potentially to do so closer to families, friends or even the area with which they are familiar. The policy tests of E7 and E7 i) are considered to be met and the principle of the development in this location is considered acceptable.

Design and impact upon the building and character of the surrounding location

The NPPF sets out the context for decision makers to achieve well designed places and confirms that the creation of high quality, beautiful and sustainable buildings is fundamental to what the planning and development process should achieve.

Policy BNE1 of the Local Plan sets the districts requirements for good design quality setting out how this can be achieved using a number of design principles. The following principles are of relevance to this application: community safety movement and legibility, ease of use and accessibility visual attractiveness, neighbouring uses and amenity and healthy lifestyles.

Policy E7 makes requirements for development outside the settlement boundary to be well designed and of a scale commensurate with the proposed use (E7 iv) and minimises visual intrusion and the impact on the character of the locality (E7 v).

Officers consider that the proposed development has been considered in the context of the surroundings and the building which it will extend. Features such as the layout and roof design continue the characteristics of the existing development. The height and scale are considered appropriate and to meet the policy requirements in this regard. The layout of the building and relationship to parking provision in the site are also considered to provide an ease of movement to visitors and to be legible and easy to use. The provision of enclosed garden space is considered to provide amenity to the prospective residents. Public views of the development will be somewhat limited due to the isolated location of the site however the design and layout are considered to be appropriate for this location. Views from the surrounding fields are also considered to be acceptable given the form and layout of the extensions in relation to the host.

The proposals are for the extension of the building and therefore it is considered reasonable and necessary to include a condition to secure the bricks and detail of the proposed clock tower. Subject to compliance with the recommended conditions the application is considered to accord with the necessary development plan policies and the NPPF.

Residential Amenity and contaminated land

The National Planning Policy Framework sets out that development should be appropriate for the location, and take account of the likely effects of pollution on living conditions and the natural environment and in doing so mitigate and reduce to a minimum potential adverse impacts resulting from noise from new developments.

Policy SD1 of the Local Plan part 1 sets out that the Council will support development that does not lead to adverse impacts on the environment or amenity of existing and future occupiers within or around proposed developments. The latter part of the policy considers the need for a strategic buffer between conflicting land uses in order that they do not disadvantage each other in respect of amenity issues such as noise.

Section 11 of the NPPF focuses on making effective use of land and sets out that planning decisions should promote this to meet the needs for different uses, while safeguarding and improving the environment. Policy SD4 requires that applicants demonstrate that schemes in areas known to be at risk of instability or contamination demonstrate, through investigations, that the scheme will incorporate any necessary remediation methods to render the development proposed safe.

The application site lies in a relatively isolated location, and is a self-contained site, that has developed the main building and outlying buildings in C2 uses and to support C2 uses. The development of an extension to that existing C2 use is not considered to present a conflicting land use that would raise concerns about noise or disturbance. Similarly the form and layout of the proposed development are consistent and compatible with the existing site and building layout so concerns regarding loss of light or privacy are reduced.

The site is close to the A50 but otherwise occupies an isolated rural location, the Council's mapping system indicates that there may be contamination on the site. Despite proximity to the A50 the site visit did not raise concerns regarding levels of noise, which were observed not to be excessive, until leaving the site and crossing the A50 footbridge where noise levels were increased. The area of proposed development is located at the southern extreme of the site and therefore furthest away from the A50 from which it is separated by existing bungalows and established planting, car parking is proposed to the rear of the bungalows.

The Council's Environmental Health Team have been consulted on the application and offer no objection in relation to amenity, but do request conditions in relation to contaminated land, these are included within this recommendation. Subject to compliance with the conditions attached the development does not raise concerns regarding residential amenity or impacts upon public health from contaminated land.

Flood Risk and Drainage

The NPPF requires that in determining applications LPA's should ensure that flood risk is not increased elsewhere and where appropriate applications should be supported by a site specific flood-risk assessment. Applications for major development should incorporate sustainable drainage systems unless clear evidence indicates this inappropriate.

Local Plan Policy SD2 explains that when considering applications the council will follow the sequential approach to flood risk management in giving priority to sites with the lowest risk of flooding. Policy SD3 sets out that the council will work with other authorities and developers to ensure that the wastewater treatment and drainage infrastructure are managed effectively in a coordinated manner by employing a number of principles. It sets out that Sustainable Drainage systems, discharge to water courses or connection to surface water sewers will be expected to be utilised to manage surface water from new

development.

The application is supported by a Flood Risk Assessment which confirms that the risk of flooding from fluvial sources is low, surface water very low, groundwater, low to medium and reservoirs low. This results in an overall assessment of low risk of flooding at the site. As the development is located outside of the operational flood plain the sequential test is stated to be met in that development is within flood zone 1.

In respect of drainage the Design and access statement confirms that foul drainage will be provided via the existing connection to an existing sewage treatment plant and that this benefits from sufficient capacity to deal with the additional flow.

The Flood Risk Assessment sets out that their calculations indicate that as the impermeable area of development on the site will increase to 5947m square surface water attenuation will be required at the site in order to store surface water and limit the discharge to 2 l/s. The FRA notes that the type of attenuation used will be determined by the ground conditions of the site *including the infiltration capacity of the soil, distance to groundwater table, space availability of the site*. The LPA seek advice from the Lead Local Flood Authority in relation to surface water drainage. At the time of publication no response has been received and as such officers have included a condition securing the later submission of a detailed drainage design for surface water management. This is considered to satisfactorily address surface water drainage within the site, compliant with policy.

Highway access, safety and parking

The NPPF advises that transport issues be considered early in the development proposal process and that during the consideration of development proposals it should be ensured that safe and suitable access to the site can be achieved. Where this is unachievable the Framework advises that development can be refused. Developments should be served by adequate amounts of parking and sustainable transport methods should be prioritised taking account of the vision for the site, the type of development and its location.

Local Plan Policy INF2 sets out permission will be granted for development where travel generated, has no undue detrimental effect upon local amenity, the environment, highway safety or the efficiency transport infrastructure.

Policy E7 sets out in part ii) that development outside the settlement boundary should be able to demonstrate that the local highway network is capable of accommodating the traffic generated. The proposed development by virtue of its use does not give rise to concerns of significantly different traffic volumes or the impact these may have on the surrounding highway network. The current approved use would have resulted in trip generation for parents bringing and collecting their children and the visiting role is anticipated not to be too dissimilar from this. The supporting information also sets out that visiting times will be staggered across the day which will in turn stagger any vehicle movements to and from the site.

The application proposes that the development utilise existing access arrangement via Blakely Lane. The proposed plans show the inclusion of formal parking to the north of the existing bungalows including the provision of an additional 19 spaces in total including 4 designated accessible spaces. The County Highway Authority confirm the parking provision and access arrangements to be acceptable and request a condition to secure the parking arrangement prior to the occupation of the development, which is included within this recommendation. The proposals are considered to accord with the relevant development plan policies in this regard.

Protected species and biodiversity

The Wildlife and Countryside Act 1981 (as amended 2016) The Conservation of Natural Habitats Regulations (Habitat Regs.) 1994 (as amended 2017), The Protection of Badgers Act 1992 and section 41 of the Natural Environment and Rural Communities (NERC) Act 2006) require that the applicant demonstrate to the Local Planning Authority the extent to which the proposed development scheme will impact upon protected or priority species.

Biodiversity and the need to protect the natural environment are contained within the environmental objective of the National Planning Policy Framework, this is expanded upon in Section 15 which advises how decisions should conserve and enhance the natural environment by protecting sites of biodiversity value and minimising impacts on, and providing net gains to, biodiversity

Policy BNE3 of the Local Plan set out the LPA's commitment to supporting development that contributes to the protection, enhancement, management and restoration of biodiversity and delivers net gains to biodiversity through the protection of site of importance from inappropriate development within and adjacent to those sites.

The application is supported by a Preliminary Ecological Assessment (PEA), subsequent surveys for bats and Great Crested Newts (GCN) and a Biodiversity Report and Metric. The PEA makes a number of recommendations including subsequent surveys and biodiversity work. Subsequent surveys confirm the likely absence from the buildings surveyed of bat roosts and a DNA survey does not identify GCN DNA within the tested ponds.

The Derbyshire Wildlife Trust recommend precautionary working methods and bat sensitive lighting are used throughout the construction period in order to further safeguard protected and priority species within and around the site. Conditions for further species enhancements are also recommended.

The biodiversity report shows that a post development net gain to biodiversity (BNG) of around 66.06% to habitats and 23.88% to hedgerows can be achieved on site. DWT confirm this is acceptable and advise that a Habitat Management and Maintenance Plan will secure the details by way of condition which is included within this recommendation.

Subject to compliance with the conditions as set out in this recommendation, the development is considered to be achievable without resulting in harmful impacts upon protected or priority species and to be able to achieve the mandatory biodiversity net gain of 10%.

Trees and Landscaping

The NPPF acknowledges the importance of trees within development proposals and the contribution made to the quality of the environment and requires decisions seek to incorporate trees into development and secure their longevity.

Policy BNE7 sets the local policy context both for protecting trees during development and for including trees within developments that are of an appropriate species to make a valuable contribution to the environment, amenity, air quality and the surrounding character of the area.

The application site is surrounded by established trees, woodlands and hedgerows that vary in their character and species and serve various purposes both visually in terms of providing screening of the A50 and framing the development but that are also noted to provide foraging and commuting routes for local wildlife populations.

The application is supported by a landscaping plan and has been reviewed by the South Derbyshire District Council Tree Officer. They confirm that subject to some amendments, which are appropriately secured by condition of this recommendation, the scheme proposed is acceptable. The scheme further includes tree protection measures which are secured under cover of a separate condition. The development subject to compliance with the afore mentioned conditions is considered to accord with the local and national policy requirements.

Other issues

Healthcare contributions

Officers note the comments of Wellbrook Surgery in relation to the proposed development. Officers confirm that the Derby and Derbyshire Integrated Care Board have been consulted on the application. At the time of publication, no comment had been received in relation to the application and no request for contributions has been made.

Bungalows

It is noted that the bungalows surrounding the main care home building are alleged to be in use for open market rent. The application site has an extensive and dated planning history, and the matter may be subject to a separate application. Officers confirm that this application does not relate to the bungalows, nor does it construe permission for uses other than those previously approved and subject of other planning permissions.

Conclusion and Planning Balance

The NPPF states that there are three dimensions to sustainable development, namely economic, social and environmental and that these should be considered collectively and weighed in the balance when assessing the suitability of development proposals.

The development proposed is considered to connect to and extend the existing care home in a manner that will appear coherent and provide internal connectivity for the developments proposed and existing to function as a larger care home. The design is in keeping with the host building and of a scale and massing that will not be incongruous when viewed from public vantage points. Legibility and ease of movement are reflected in the connection between the proposed car park and the main building. The integration of garden spaces and landscaping support a pleasant environment and secure net gains to biodiversity. The design and inclusion of landscaping features support a high-quality environment and encourage biodiversity supporting the environmental dimension of sustainable development.

Conditions attached require the submission of additional detail on a number of matters including drainage, landscaping and protected species and these are considered appropriate to secure a policy compliant development. These further ensure the environmental objectives are met by the development.

It is noted that the GP surgery raises objections to the application on the grounds of funding, however, Officers have consulted the ICB and no objection or request for contributions is made by them, as such Officers do not have a policy compliant basis on which to seek contributions to healthcare.

The scheme provides a modern fit for purpose building and in doing so delivers both social and environmental benefits. Economic benefits are further derived from the creation of employment opportunities through the operation and construction phases. The loss of space with approved nursery or childcare uses is not in this instance considered outweigh the benefits of the scheme as noted above and consequently the application is recommended for approval subject to the conditions set out below.

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

Recommendation

Approve subject to the following conditions:

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

Reason: To conform with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with plans/drawings ref:

PP-12869452V1, Location Plan, dated 11/03/2024
23.114.07 R9, Existing Survey, dated August 2023
23.114.02 R5, 'Block Plan', dated August 2023
23.114.01 R14, Ground Floor Plan, dated August 2023
23.114.03 R15, 'Elevations', dated August 2023

23.114.08 R8, 'Roof Plan and Site Levels', dated August 2023

23.14.11 R1 'Landscaping', dated February 2024

unless as otherwise required by condition attached to this permission or following approval of an application made pursuant to Section 96A of the Town and Country Planning Act 1990.

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

3. Before the development hereby approved is commenced a Method Statement for site clearance, in accordance with the details stipulated within the Great Crested Newt eDNA report (Brindle & Green, July 2024) shall be produced and submitted to the Local Planning Authority for approval. The method statement shall include, but not be limited to:
 - reasonable avoidance measures such as seasonal timings, strategic clearance of vegetation and any potential refugia,
 - a watching brief,
 - instructions on how great crested newts should be managed in the unlikely event that they are encountered.

The approved Method Statement shall be implemented in full, and a short statement of compliance submitted to the Local Planning Authority upon completion of clearance works.

Reason: In order to safeguard protected and priority species throughout the site clearance and construction periods in accordance with the requirements of Policy BNE3 of the South Derbyshire Local Plan and the National Planning Policy Framework.

4. Before the development hereby approved is commenced and notwithstanding the submitted details, an updated scheme of soft landscaping, broadly in accordance with the approved landscaping plan (ref: 23.14.11 R1 'Landscaping', dated February 2024) shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall provide details of the locations of all trees proposed within the submitted plan. All planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding seasons following the first opening of the development, or the completion of the development, whichever is the sooner; and any plants which within a period of five years (ten years in the case of trees) from the opening of the development, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species and thereafter retained for at least the same period, unless the Local Planning Authority gives written consent to any variation.

Reason: In order to ensure satisfactory appearance and landscaping of the development in accordance with the requirements of Policy BNE3 and Policy BNE7 of the South Derbyshire Local Plan and the National Planning Policy Framework.

5. Before the development hereby approved is commenced, including and site clearance or preparatory works, the tree and hedge protection fencing shown on landscaping plan (ref: 23.14.11 R1 'Landscaping', dated February 2024). The fencing shall conform to best practice as set out in British Standard 5837:2012 (or equivalent document which may update or supersede that Standard) and ensure that no vehicles can access, and no storage of materials or equipment can take place within, the root and canopy protection areas. The fences shall be retained in situ during the course of demolition, site clearance, ground and construction works, with the protected areas kept clear of any building materials, plant, debris and trenching, and with existing ground levels maintained; and there shall be no entry to those areas except for approved arboricultural or landscape works.

Reason: In the interests of safeguarding existing trees and hedges and the habitats and the visual amenities of the area, in accordance with the requirements of Policy BNE1, Policy BNE2

and Policy BNE7 of the South Derbyshire Local Plan, the Trees and Development Supplementary Planning Document and the National Planning Policy Framework.

6. Before the development hereby approved is commenced:
- A Phase I contaminated land assessment (desk-study) shall be undertaken and approved in writing by the local planning authority.
 - The contaminated land assessment shall include a desk-study with details of the history of the site use including:
 1. the likely presence of potentially hazardous materials and substances,
 2. their likely nature, extent and scale,
 3. whether or not they originated from the site,
 4. a conceptual model of pollutant-receptor linkages,
 5. an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 6. adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments,
 7. details of a site investigation strategy (if potential contamination is identified) to effectively characterise the site based on the relevant information discovered by the desk study and justification for the use or not of appropriate guidance. The site investigation strategy shall, where necessary, include relevant soil, ground gas, surface and groundwater sampling/monitoring as identified by the desk-study strategy

The site investigation shall be carried out by a competent person in accordance with the current U.K. requirements for sampling and analysis. A report of the site investigation shall be submitted to the local planning authority for approval.

Reason: In order to protect the future occupiers of the development, ecosystems and controlled waters, including deep and shallow ground water in accordance with the requirements of policy SD4 of the South Derbyshire Local Plan and the National Planning Policy Framework.

7. Before the development hereby approved is commenced:

Where the site investigation identifies unacceptable levels of contamination, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall have regard to relevant current guidance. The approved scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The developer shall give at least 14 days notice to the Local Planning Authority (Environmental Health Division) prior to commencing works in connection with the remediation scheme.

Reason: In order to protect the future occupiers of the development, ecosystems and controlled waters, including deep and shallow ground water in accordance with the requirements of policy SD4 of the South Derbyshire Local Plan and the National Planning Policy Framework.

8. The development hereby approved shall not be occupied or brought into use until:

- i. The approved remediation works required by 7 above have been carried out in full in compliance with the approved methodology and best practice.
- ii. If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, which have not previously been identified, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described in 6.i to 7 above and satisfy 8.i above.
- iii. Upon completion of the remediation works required by 7 and 8.i above a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.

Reason: In order to protect the future occupiers of the development, ecosystems and controlled waters, including deep and shallow ground water in accordance with the requirements of policy SD4 of the South Derbyshire Local Plan and the National Planning Policy Framework.

9. Before the development hereby approved is commenced, including any site clearance or preparatory works a scheme for the drainage of surface water from the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with the surface water drainage hierarchy and include details of run off rates and ongoing management and maintenance of the installed measures contained within the submitted Flood Risk Assessment prepared by Brighton Consulting Engineers Limited and dated May 2024. The development shall thereafter be carried out in conformity with the approved details prior to the first occupation of the development served by the surface water drainage system.

Reason: In order to ensure the development is adequately served by a means of surface water drainage and does not increase or exacerbate flooding problems in accordance with the requirements of Policy SD2 of the South Derbyshire Local Plan and the National Planning Policy Framework.

10. Before the development hereby approved is commenced a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. Approved measures shall be implemented in full and maintained thereafter. The Plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:

- Integrated / external bird boxes (avoiding southern elevations)
- Integrated / external bat boxes (favouring southern elevations)
- Integrated bee bricks (favouring southern elevations).

The enhancements should be implemented in accordance with the approved details and all features retained in that manner thereafter.

Reason: In order to provide species enhancements in accordance with the requirements of Policy BNE3 and the National Planning Policy Framework.

11. Before the development hereby approved is commenced a Habitat Management and Monitoring Plan (HMMP) shall be submitted to, and approved in writing by, the Local Planning Authority.

The plan shall identify the habitats to be retained, created and / or enhanced on the site and specify the appropriate management prescriptions to secure the predicted condition targets, as per the approved biodiversity metric for the application. The HMMP shall also set out a monitoring schedule to ensure targets are met and remedial actions to take if not. Guidance on producing a HMMP can be found here:

<https://www.gov.uk/guidance/creating-a-habitat-management-and-monitoring-plan-for-biodiversity-net-gain>

Reason: For the avoidance of doubt, in accordance with the applicant's stated intentions and in order to deliver a net gain to biodiversity in accordance with the requirements of Policy BNE3 of the South Derbyshire Local Plan and the National Planning Policy Framework.

12. Before their incorporation into the development hereby approved full details of the materials to be proposed in the external walls of the development and the clock tower shall be submitted to and approved in writing by the local planning authority.

Reason: In order to ensure a development in accordance with the requirements of Policy BNE1 and BNE7 of the South Derbyshire Local Plan, the Trees and Development Supplementary Planning Document and the National Planning Policy Framework.

13. 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. Thereafter, 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 nesting bird populations within and surrounding the site in accordance with the requirements of Policy BNE3 of the South Derbyshire Local Plan and the National Planning Policy Framework.

14. Unless otherwise required by a condition of this permission the recommendations contained within Section 7 of the Preliminary Ecological Appraisal (PEA), report reference: BG23.317, prepared by Brindle & Green and dated February 2024 shall be adhered to throughout the course of construction.

Reason: In order ensure that protected and priority species and their habitats are adequately protected during construction of the development in accordance with the requirements of Policy BNE3 and Policy BNE7 of the South Derbyshire Local Plan and the National Planning Policy Framework.

15. Before the development hereby approved is first brought into use a statement of good practice including photographs of the Biodiversity Enhancement Measures required as part of the Biodiversity Enhancement Plans, should be submitted to the local planning, demonstrating that the enhancements have been selected and installed in accordance with the approved details.

Reason: In order to provide species enhancements in accordance with the requirements of Policy BNE3 and the National Planning Policy Framework.

16. Before the development hereby approved is first brought into use a Flood Emergency Plan in accordance with the recommendations of the Flood Risk Assessment to detail evacuation procedures and designating safe refuge areas within and outside the building shall be completed by a suitably qualified professional. The plan shall include detail on how it will be incorporated into the care home's health and safety plans, how the staff and residents will be made aware of the plan and how it will be made accessible and implemented during any flood event as well as a timetable for periodical review of the plan as necessitated by changes in flood risk or best practice for flood evacuation.

Reason: In order to ensure that the development is safe for its lifetime and that residents, staff and visitors are kept safe in the event of a flood in accordance with the requirements of Policy SD4 of the South Derbyshire Local Plan and the National Planning Policy Framework.

17. Before the development hereby approved is first brought into use the parking provisions shown on the approved plan (23.114.02 R5, 'Block Plan', dated August 2023) shall be marked out and made available for parking provision for the development. The parking spaces shall thereafter be maintained free from obstruction to their intended use for the lifetime of the development.

Reason: In order to ensure the development is adequately served by sufficient parking provision in accordance with the requirements of Policy INF2 of the South Derbyshire Local Plan and the National Planning Policy Framework.

18. The finished floor levels of the development hereby approved shall be set no lower than 58.3m AOD.

Reason: In order to ensure the development is adequately safeguarded from flooding in accordance with the requirements of Policy SD2 of the South Derbyshire Local Plan and the National Planning Policy Framework.

19. The development hereby approved shall only be used for purposes falling within Class C2 for Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and for no other purposes.

Reason: For the avoidance of doubt and in accordance with the applicant's stated intentions and to ensure a sustainable form of development and the safeguarding of residential amenity in accordance with the requirements of Policy S1, Policy S2, Policy BNE1, Policy E7, and Policy SD1 of the South Derbyshire Local Plan and the National Planning Policy Framework.

Informatives:

- a) The applicant should be aware that in accordance with paragraph 59 of DfT Circular 01/2020, no water run-off that may arise due to any change of use, will be accepted into the highway drainage systems (A50), and there shall be no new connections into those systems from third party development and drainage systems. Any change of use to the existing connections to the highways drainage system will be classed as a new connection will therefore be refused in the first instance, as stated within the aforementioned Circular.

- b) Biodiversity Net Gain

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

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

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

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.