
Delegated report Officer: Jessica Clarke-Roome

Application ref. DMOT/2025/1421

The approval of details reserved by conditions 3 (Phase 1 contaminated land assessment), 6 (Dust mitigation and control of noise), 10 (Details of the facing materials), 14 (CEMP), 15 (Detailed lighting strategy), 17 (Species Enhancement Plan), 20 (Hard and Soft Landscaping Scheme) & 27 (HMMP) relating to planning permission DMPA/2025/0960 at Black Fir Tree Farm, Unnamed Road From The Green To Radbourne Common, Dalbury Lees, DE6 5BE

Valid date: 27/10/2025

Consults expired: 15/12/2025

EIA development? No

Section 106 agreement? Not required

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

Relevant planning history

This application seeks approval of details required by conditions set out on the host permission, as described above. The host permission forms the most relevant planning history for this application.

Responses to consultations and publicity

Environmental Health - No objection

First Response - 04 November -Condition 6 (Dust Mitigation and control of noise). The Casamia Homes dust and noise management plan, dated 2.10.25, Revision A, must be followed and implemented throughout the development.

Condition 15 (Detailed Lighting strategy) The lighting scheme must be installed as per the Lighting Assessment, reference 3158, rev A and associated documents (3180-obtrusive Light Compliance Report, Rev B, 3180 D – 01-Rev B Lighting plan). All recommendations must be followed and retained for the lifetime of the development.

Second Response - 20 November - In regard to condition 3 which relates to contaminated land, I am happy for this to be discharged

Derbyshire Wildlife Trust

First Response 15 December 2025 - Condition 14 – CEMP

We have reviewed the Construction Environmental Management Plan (CEMP) produced by Elton Ecology (October 2025) and have no objections to the discharge of Condition 14.

Condition 15 – Sensitive Lighting Scheme

We have reviewed the submitted information, inclusive of the lighting assessment and outdoor lighting and illuminance report (Nick Smith Associates, September 2025). It is understood that external lighting pertains to downward facing wall lights and bollards with a warm white temperature (2700 Kelvin).

Whilst we acknowledge the use of downlights and a warmer white temperature, we advise that the scheme should incorporate further mitigating features such as dimmers, PIR sensors and timers.

Ideally the site and surrounding area should have as minimal lightspill as possible to prevent disturbance to bats and other nocturnal wildlife.

The Strategy should refer to Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023) and explain how proposals have been designed in compliance with this document. Such approved measures will be implemented in full.

Condition 17 – Species Enhancement Plan

We have reviewed the Species Enhancement Plan (SEP) produced by Elton Ecology (September 2025). The plan details the inclusion of 4no. swallow nest cups, 1no. barn owl box, 2no. integrated bat boxes, 2no. tree-mounted bat boxes, 7no. tree-mounted bird boxes and 3no. insect boxes.

Although we welcome the above enhancements, the condition wording stipulates that the SEP should clearly show the positions, specifications and numbers of universal nest boxes at a ratio of 1:1 and

fencing gaps 130mm x 130mm to maintain connectivity for hedgehogs in all gardens.

We advise that the above enhancements should be detailed in the SEP in order to comply with Condition 17.

It should be noted that a statement of good practice including photographs should be submitted to the local planning authority prior to the discharge of this condition demonstrating that the enhancements have been selected and installed in accordance with the above.

Condition 27 – HMMP

We have reviewed the Habitat Management and Monitoring Plan (HMMP) produced by Elton Ecology (September 2025) and have no objections to the discharge of Condition 27.

Second Response 18 December 2025 - I note that the lighting report now stipulates that all lights will be controlled via timers with any lights not controlled via a timer will be controlled via a PIR sensor. It would be beneficial if the plan could detail the timings for the lights as well as which lights will be fitted with PIR sensors.

Relevant policy, guidance and/or legislation

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

Planning considerations

This application seeks approval of details required by conditions 3 (Phase 1 contaminated land assessment), 6 (Dust mitigation and control of noise), 10 (Details of the facing materials), 14 (CEMP), 15 (Detailed lighting strategy), 17 (Species Enhancement Plan), 20 (Hard and Soft Landscaping Scheme) & 27 (HMMP) as set out in the host permission DMPA/2025/0960. The wording of the relevant condition is set out below. The scope of planning considerations is confined to the matters which those conditions seek to control or address. Matters of principle are thus not of relevance under this assessment.

Condition 3 (Phase 1 contaminated land assessment) : Before the commencement of the development hereby approved:

a) A Phase I contaminated land assessment (desk-study) shall be undertaken and approved in writing by the local planning authority.

b) The contaminated land assessment shall include a desk-study with details of the history of the site use including:

- the likely presence of potentially hazardous materials and substances,
- their likely nature, extent and scale,
- whether or not they originated from the site,
- a conceptual model of pollutant-receptor linkages,
- an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments,
- 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: 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 in accordance with Policy SD4 of the Adopted Local Plan and the National Planning Policy Framework.

Condition 6 (Dust mitigation and control of noise) :No development shall take place until a scheme of

dust mitigation measures and 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: To safeguard the amenities of nearby occupiers in accordance with Policy SD1 of the Adopted Local Plan.

Condition 10 (Details of the facing materials) : Prior to their incorporation into the buildings hereby approved, details and/or samples of the facing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed using the approved facing materials

Reason: In the visual interest of the buildings and the surrounding area in accordance with Policy BNE1 of the Adopted Local Plan and the National Planning Policy Framework.

Condition 14 (CEMP) : No development shall take place (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall be produced by an ecologist and shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of biodiversity protection zones.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECow) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In order to safeguard protected and/or priority species from undue disturbance and impacts, noting that initial preparatory works could have unacceptable impacts; and in order to secure an overall biodiversity gain in accordance with Policy BNE3 of the Adopted Local Plan.

Condition 15 (Detailed lighting strategy) : Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). Such approved measures will be implemented in full.

Reason: In order to safeguard protected and/or priority species from undue disturbance and impacts, noting that initial preparatory works could have unacceptable impacts; and in order to secure an overall biodiversity gain in accordance with Policy BNE3 of the Adopted Local Plan.

Condition 17 (Species Enhancement Plan) : Prior to building works commencing, a Species 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:

- universal nest boxes at ratio of 1:1, in line with British Standard 42021:2022 (avoiding southern

elevations)

- 1No barn owl nest box installed within a suitable building, on a mature retained suitable tree or pole mounted.
- 4No swallow nesting cups
- integrated bat boxes in dwellings (favouring southern elevations)
- insect bricks in dwellings
- fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs in all gardens.

A statement of good practice including photographs should be submitted to the local planning authority prior to the discharge of this condition, demonstrating that the enhancements have been selected and installed in accordance with the above

Reason: In the interests of enhancing biodiversity and in accordance with policy BNE3 of the Adopted Local Plan

Condition 20 (Hard and Soft Landscaping Scheme) : Prior to occupation of the development, a detailed scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include specifications of hard landscaping materials; and for soft landscaping evidence the proposed locations of each tree species, the size of each type of tree (standard, select standard, or heavy standard with girth dimensions), the mix of any proposed grass areas, and the proposed locations and sizes of any ornamental shrubs (in litre pots). The works shall be undertaken in accordance with the agreed details prior to occupation of the development or within the first planting season following occupation. All planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding seasons following the date of this decision whichever is sooner; and any plants which within a period of five years (ten years in the case of trees) from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species and thereafter retained for at least the same period, unless the Local Planning Authority gives written consent to any variation.

Reason: In accordance with policy BNE1 and BNE3 of the Local Plan and in the visual interest of the development.

Condition 27 (HMMP) : A Habitat Management and Monitoring Plan (HMMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. If the standard HMMP template is not used, the HMMP checklist shall be consulted to ensure all appropriate information is included. The HMMP 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-biodiversitynet-gain>

Reason: In the interests of enhancing biodiversity and in accordance with policy BNE3 of the Local Plan

Planning assessment

The proposal is for the erection of three dwellings at Black Fir Tree Farm. The applicant has submitted a number of documents as part of the application to discharge the relevant conditions, each condition will be discussed in turn.

Condition 3 (Phase 1 contaminated land assessment) : In relation to the following condition the following have been submitted

Phase 1 Ground Investigation Report (GIA ref.24015-1)

Phase 2 Ground Investigation Report (GIA ref. 24015-2)

These outline the current usage of the site and the ground conditions, in relation to the phase one

report a walk over survey has been undertaken which provides further detail and recommendations have been made in relation to geotechnical , environmental and considerations for the development. The Phase two report is informed by the findings highlighted within the phase one report and based upon the recommendations within it. The Council's Environmental Health Officer has reviewed this and has no objection to the submitted documents and this condition can be discharged.

Condition 6 (Dust mitigation and control of noise) : A Dust and Mitigation Plan (Casamia Homes rev. A) has been submitted which provides details of the proposed measures to minimise dust levels on the site during the construction period. This includes the provision of the site working hours , measures of reducing dust through water sprays in dry weather conditions. This has been reviewed by the Council's Environmental Health Officer who has no objections to the measures set out within the plan. Therefore it is considered that condition 6 can be discharged.

Condition 10 (Details of the facing materials) : Details of the facing materials have been provided , this gives information on proposed bricks of Vandersanden Argentis for the barns and garages and cladding of a Bronze/Brown Aluminium Straight Seem for the elevations and the roof detail. This has been reviewed by the Council's Design Officer and it is considered that the proposed materials are of a nature that will help to blend in with the agricultural location of the countryside and will not be out of character with the surrounding farmstead therefore the materials are acceptable and condition 10 can be discharged.

Condition 14 (CEMP): In relation to this a Construction Environmental Management Plan (CEMP) produced by Elton Ecology (October 2025) has been submitted, this outlines the measure that will be taken to ensure care on the application site for all relevant wildlife and biodiversity during the construction period. Derbyshire Wildlife Trust have been consulted on the submitted document and have no objections, therefore it is considered condition 14 can be discharged.

Condition 15 (Detailed lighting strategy) : In order to support this application a Lighting Assessment and Report was originally submitted for review at the point of the application submission (Nick Smith Associates, September 2025). This was reviewed by the Derbyshire Wildlife Trust who noted that the external lighting consists of downward facing wall lights and bollards however further mitigation features are recommended to be inserted such as dimmers, PIR sensors and timers. A further Lighting Assessment and Report (Nick Smith Associates, December 2025) has been submitted which provides details on the PIR sensor lights and those that are to be controlled via a timer which is illustrated on the submitted Lighting Plan. As such it is considered condition 15 can be discharged.

Condition 17 (Species Enhancement Plan) : To support this condition a Species Enhancement Plan has been produced by Elton Ecology, this was initially reviewed by Derbyshire Wildlife Trust who advised the Enhancement Plan needed to be updated further to be inline with the condition wording. A updated enhancement plan was provided by the applicant 18 December and reviewed by the Planning Officer and it is considered that this meets the criteria set out within condition 17 and are considered to be appropriate for the development. As the condition states that photographs should be submitted of the enhancements installed the condition needs to be resubmitted when the work has been undertaken. However it is noted that the locations are acceptable.

Condition 20 (Hard and Soft Landscaping Scheme) : The following plan has been submitted to show the hard and soft landscaping within the development scheme

- BG25.505 Dalbury Lees Detailed Planting Plan REV 1 received 12 November 2025

This provides details of the hard and soft landscaping proposed within the site boundary , including within public areas (for example the tarmac driveway) and the biodiversity net gain planting that is to take place and the landscaping proposed for the private gardens. This has been reviewed and is considered acceptable therefore condition 20 can be discharged.

Condition 27 (HMMP) : With regards to condition 27 a Habitat Management and Monitoring Plan (HMMP) produced by Elton Ecology (September 2025) this provides details of the 30 year monitoring

period that is covered until 2055 by the HMMP and the habitats that this covers within the site towards the 10% net gain and the methods for monitoring of this habitat enhancements. Derbyshire Wildlife Trust have reviewed this and have no objection to the submitted documentation. Therefore condition 27 can be discharged.

To conclude it is considered acceptable for conditions 3 , 6 , 10 , 14 , 15 , 20 and 27 of the host permission DMPA/2025/0960 to be discharged, details for condition 17 in terms of the proposed location of the species enhancements are also approved, however the condition will not be discharged in full until such time as the applicant submits a further application containing evidence of the installed measures by way of a further discharge of condition application at a later point when the species enhancements have been installed.

Recommendation

Approve

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

Recommendation made:	19/12/2025
Report agreed:	22/12/2025
Authorised officer:	Steffan Saunders
