

Planning Committee 16th August 2022

APPLICATION NUMBER		22/00398/FUL	
SITE ADDRESS:		Ivonbrook Residential Care Home, Eversleigh Rise, Darley Bridge, Matlock	
DESCRIPTION OF DEVELOPMENT		Proposed extensions to create new dementia unit and reception area with associated landscaping works and creation of new parking area	
CASE OFFICER	Sarah Arbon	APPLICANT	Mrs C Wright – Ivonbrook Properties Ltd
PARISH/TOWN	South Darley	AGENT	Mr J Hutton – Thinking Buildings Ltd
WARD MEMBER(S)	Cllr C Swindell	DETERMINATION TARGET	2 nd June 2022
REASON FOR DETERMINATION BY COMMITTEE	Called in by Cllr Swindell	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to appreciate the site and context.

MATERIAL PLANNING ISSUES

- Principle of development
- Impact on residential amenity
- Character and appearance
- Highways issues
- Trees and Ecology

RECOMMENDATION

Approval

1.0 THE SITE AND SURROUNDINGS

1.1 The site is located in Darley Bridge, south of Darley Dale. The two storey building sits behind the large detached properties that front Eversleigh Rise with access along Lime Kiln Lane to the north. The building is modern with various additions over time and the main entrance is on the southern part of the building with the car park to the south west. The building is set within the bank and is two storey to the north and single storey to the south. A grassed area at a higher land level is to the south which is enclosed by fencing and there is tree screening and woodland to the south west. There is a paved external courtyard between the different wings of the building. The main car park is located to the west of the building and woodland slopes down to the west adjacent to this boundary.



2.0 DETAILS OF THE APPLICATION

- 2.1 Planning permission is sought for extension to the existing care home on the raised grassed area to the south of the main building. The proposed extension would provide a dementia unit linked to the care home with 16 additional en-suite bedrooms together with a dining / lounge, kitchen prep room, office, staff room, separate lounge, laundry room, medication room, lobby, equipment room and bathrooms. The proposed additional 16 bedrooms would increase the total bedrooms to 56. Currently 45 full time and 16 part time staff are employed. The increase of 16 bedrooms requires 4 additional staff.
- 2.2 The proposed building would be single storey and dug into the bank between 1- 2.4m to the south. Its ridge height would be 0.5m higher than the existing main nursing home building. A central enclosed courtyard is proposed adjacent to the southern boundary. External materials are stone faced walls, slate roof and zinc cladding on the link and boxed feature windows.

- 2.3 The existing car park to the west of the building would be formalised with 16 spaces laid out and an additional car park with 11 spaces is proposed to the east of the building utilising an existing access.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1. Adopted Derbyshire Dales Local Plan 2017

S3 Development within Defined Settlement Boundaries
 S4 Development within the Countryside
 PD1 Design and Place Making
 PD3 Biodiversity and the Natural Environment
 PD6 Tree, Hedgerows and Woodlands
 PD7 Climate Change
 PD9 Pollution Control and Unstable Lane
 HC15 Community Facilities and Services
 HC19 Accessibility and Transport
 HC21 Car Parking Standards
 HC10 Extensions to Dwellings

3.2 Derbyshire Dales District Council Climate Change Supplementary Planning Document (2021)

3.3. Other:

The National Planning Policy Framework (2021)
 National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:

13/00481/FUL	Erection of metal shed	PERC	28/08/2013
21/00004/FUL	Ground floor extensions to create sun room and store and the creation of a bin store area	PERC	17/03/2021
1293/0892	EXTENSIONS AND ALTERATIONS TO OFFICES AND GARAGE TO FORM RESIDENTIAL HOME FOR ELDERLY PEOPLE	A	07/02/1994
1190/0974	CHANGE OF USE TO RESIDENTIAL INSTITUTION (CLASS C2)	A	04/02/1991
1190/0973	Residential development including conversion of offices to flats (Outline)	W	21/09/1992
0797/0423	CONVERSION OF OFFICES TO DWELLINGHOUSE AND TWO HOLIDAY FLATS, AND ERECTION OF DETACHED GARAGE AND CONSERVATORY	A	08/08/1997

5.0 CONSULTATION RESPONSES

South Darley Parish Council

- 5.1 South Darley Parish Council objects to the application in terms of its scale, impact on adjacent properties and the environment. The proposed development is considered too large for the location, taking up almost all of the grounds surrounding the existing care home. The extension would increase the footprint of the care home buildings by about 80% and would eliminate the area of grassland south of the existing home. Only a thin strip of trees would be left around the building, providing inadequate screening. In its elevated position, the new building would be visible from many surrounding viewpoints.

The proposed development would have severe impacts on adjacent properties, especially Nos. 22 to 32 Eversleigh Rise. Although proposed finished ground and floor levels are not stated on the planning application documents, it is clear that the new building would be considerably above the ground floor levels of the nearby properties on Eversleigh Rise. Due to its height and proximity, it would be overbearing and oppressive and there would be a lack of privacy both for the unit's residents and the house holders.

There would be an increase in traffic to and from the site, both staff and visitors, adding to the already heavy requirement for parking. Although additional parking would be provided, this is unlikely to be sufficient. The suggestion that the new dementia unit would only require four additional staff to look after 16 residents with dementia day and night seems to be a gross underestimate. The new staff car park would be extremely close to No. 22 Eversleigh Rise, with cars parked about 1m from the back wall of the house and higher than the ground floor of the house. There is no scope for screening, so the occupants of the house would be subjected to noise and lighting from the use of the car park. The Design and Access statements refers to the use of movement sensitive lighting, which would, therefore be flashing on and off at intervals throughout the night whenever anyone came or went to the car park. The arrangement appears totally unsatisfactory.

Properties in Lime Kiln Lane already suffer from run-off arising from the Ivonbrook site: this would only be made worse by an increase in the area of hard landscaping. They would also be subject to additional traffic. During the construction phase, adjacent properties in Eversleigh Rise would be subject to considerable noise, disruption and loss of privacy. Meanwhile, properties in Lime Kiln Lane would be subject to extensive construction traffic.

The proposed development would have an adverse impact on the environment of the site and surroundings. The grassed area at the site of the building is frequently used by red deer for grazing and is known to be a route for amphibians heading to or from a nearby pond. Little thought appears to have been given to the protection of the stream running along the North-West boundary of the site. There will be only a narrow band of trees around the new unit, the roots of many of which are likely to be adversely affected by the necessary excavations.

Whilst South Darley Parish Council is in favour of a dementia unit being built in the parish, it considers that the current proposal is out of scale and would have severe detrimental impacts. The Parish Council therefore requests that the application be refused.

Environmental Health

- 5.2 No objection subject to a condition requiring a contaminated land assessment. The Commercial Team has no objection in principle, however this is subject to the commercial site complying with all relevant Food Hygiene and Health and Safety at Work legislation in respect of the proposed development and the scales of provision of sanitary facilities with respect to the proposed development (for staff and residents, etc.) needs to comply with the latest edition of BS 6465.

Tree and Landscape Officer (DDDC)

- 5.3 The only arboricultural impact of significance is the proposed removal of T13 Ash which is categorised as high quality according to the guidance of BS5837:2012 within the submitted Arboricultural Impact Assessment. This tree should be considered a constraint on development and the site layout design should allow its retention. However, because this particular tree is an ash it is likely to succumb to ash dieback disease within the next 5 years and die and this will necessitate its removal anyway. Its removal should therefore be considered acceptable to facilitate the proposals. The submitted Tree Protection Plan is acceptable. The position and specification of temporary tree protection it provides should be required to be followed. The submitted Arboricultural Method Statement is acceptable. All guidance and recommendations it contains should be required to be followed. From an arboricultural point of view therefore there are no objections to the proposal.

Derbyshire Wildlife Trust

- 5.4 They have reviewed the Preliminary Ecological Appraisal prepared by Arbtech December 2021. The development site does not support habitats of high nature conservation value and there are no known nature conservation designations directly associated with or immediately adjacent to the site. The PEA has identified that the site comprises amenity grassland, tall ruderal, trees and shrubs and areas of hard standing. The site is surrounded by mixed woodland to the west and south. The PEA has concluded that there are unlikely to be any impacts on protected species at the site due to the nature of the habitats present and the likely impacts from the development. Whilst this is considered to be a reasonable conclusion for most species there is potentially a greater risk to great crested newt.

The assessment includes a partial desktop study, but it has not consulted the Derbyshire Biological Records Centre for more comprehensive information on species. As a result, the PEA has not been able to fully consider the potential likelihood of impacts on great crested newt at the site. The development site lies within the buffer zone for a pond from which there is a 2014 record for great crested newt. This pond lies 150m to the north-east of the main development. There is also another pond present 80m to the west and, although there are no records for great crested newt in this pond, it has not been surveyed or visited in order to inform the PEA. Further to the south-west at around 1km distance there are more recent confirmed records for great crested newt.

The overall suitability for great crested newt, (and other amphibians and reptiles) is low, but these habitats do offer some potential and even amenity grassland is sometimes used by great crested newts and can probably not be discounted altogether. There is a risk that great crested newt could be moving between ponds locally and crossing part of this site between more favourable patches of habitat. This needs to be taken into account in the mitigation measures to be applied at the site during the construction phase of the development.

Impacts on habitats are considered to be very low, but there is a small loss of modified grassland and tall ruderal and possibly an area of scattered trees. The ecological assessment has not included a Biodiversity Metric calculation, but it looks like there could be a baseline value of around 0.5 to 1 habitat unit. The proposed landscaping and ecological garden could potentially provide a net gain, but the supporting evidence for this has not been provided at this stage. Given the low value and small extent of the habitat affected and the reasonable expectation that a small gain can be achieved through the proposed landscaping and enhancements it is considered that the details could be submitted via a condition. They conclude there is a low risk of impacts on some protected species such as bats and/or great crested newt as well as some species of conservation concern such as hedgehog. Mitigation measures to avoid and minimise any risk of impact

should be in place throughout the development. Conditions in respect of birds, submission of a CEMP and Biodiversity Enhancement Plan (BEP) and lighting scheme.

Lead Local Flood Authority (DDC)

- 5.5 There is no comment, however, it should be noted that in the Drainage Strategy the climate change allowance is referred to as 30%, however, the climate change allowance for developments is 40%.

Highways Authority (DDC)

- 5.6 There are no highway objections to the proposals subject to all use remaining ancillary to the existing care facilities on site subject to a condition securing parking prior to occupation of the extension / unit.

6.0 REPRESENTATIONS RECEIVED

- 6.1 Seven letters of objection have been received and the concerns are summarised below:-

- a) An increased number of residents will lead to an increase in traffic along Lime Kiln Lane both day and night of staff and visitor traffic. Ambulances also travel to and from the care home at literally all hours of the day and night and it is not uncommon for us to be woken up in the middle of the night by ambulances with their blue lights flashing.
- b) The surface of Lime Kiln Lane is already in a terrible state with exposed metalwork and potholes all the way along which increases the noise of vehicles using it.
- c) Their property 'Willow Grange' currently has an attractive view between The Barn and the care home out to the grassed area and woodland beyond where wild deer roam all year round.
- d) The distance of the unit and the car parking to existing residential properties is a concern due to amenity impacts.
- e) The proposed car park is very close to No's 22 and 24 Eversleigh Rise and staff will use it 24/7 365 days a year with activity impacts of noise and lights on neighbours.
- f) Light pollution from the lighting of the car park.
- g) The windows of the unit would be open for ventilation and noise from staff and residents would impact on the enjoyment of neighbour's properties and gardens.
- h) Loss of privacy as windows would overlook No 24 Eversleigh Rise.
- i) The Ecology Report was undertaken in November and did not take account of reptiles.
- j) Construction would damage tree roots and change the water table due to the existence of natural springs causing stability issues.
- k) Noise and disturbance for existing residents and loss of an area for them to watch the deer.
- l) The proposal is not an extension but a new building complex.
- m) Increase in traffic using Darley Bridge.
- n) No. 30 Eversleigh Rise has direct views of the land without tree screening.
- o) They often hear resident's screaming and shouting and this will be increased as the building is closer.
- p) It is unclear how much higher the building is in relation to the existing building.
- q) The land is used as a highway for amphibians making their way to the pond and lake.
- r) The number of new staff required is low compared to the 16 extra bedrooms proposed.
- s) The garden of No.26 becomes waterlogged and an increase in built development would exacerbate the problem.
- t) The resident of No.26 works from a home office at the bottom on the garden which has a window 17m from the nearest window of the proposed building with increased noise inevitable.
- u) There are staff welfare areas to the east of the existing building which already cause noise and disturbance.

- v) Light pollution from the rear car park and staff areas have already meant the installation of blackout blinds to the rear bedrooms of No.26.
- w) The trees on the rear boundaries of Eversleigh Rise only provided screening for 6 months and are an important habitat for birds.
- x) No.12 Eversleigh Rise has a right to erect ladders and scaffold on Lime Kiln Lane and an increase in traffic would make this difficult and plan submitted does not match their deed plan.
- y) The plans are obtrusive and grossly oversized in scale.
- z) The impact on No.22 Eversleigh Rise is not included in any application documentation.
- aa) The land is advertised as an asset for use by residents.
- bb) No, 22 is right adjacent to the land and subsidence and damage is a concern.
- cc) Loss of privacy of 8 windows of No.22 with only a 6ft wall on the boundary.
- dd) The removal of a fence at Ivonbrook House may be a future plan for access.
- ee) The drainage of No.22 runs through the land proposed for the car park and should be included on the plans.
- ff) The roof of the new building would be 1.75m above the roof of No.22.
- gg) The proposed car parking is only 90cm from the rear of No.22 and if a fence were erected at the higher land level it would blackout 8 of the windows.
- hh) There are already 7 dementia care units within 1 mile of the site with one currently under construction on the A6.

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Principle of development
- Impact on residential amenity
- Character and appearance
- Highways issues
- Trees and Ecology

Principle of development

- 7.1 The existing care home is located within the settlement boundary of Darley Dale, however, the proposed extension would be outside the settlement boundary. The application involves the extension to an existing Registered Care facility and Policy HC11 supports schemes for registered care accommodation (use Class C2) provided the type of provision meets identified District needs. The Housing Needs Report September 2021 indicates projections for changes in those with dementia and a 74% rise from 2017 to 2040. Table 7.8 indicates a need for 298 residential care bed spaces and 225 nursing care bed spaces to 2040 with a total requirement of 522. Therefore there is a clear need identified within the District for the proposed development.
- 7.2 The applicant has provided the following evidence in terms of the viability of the home and the demand for dementia care in the area.

“The wider Matlock area (including Darley Dale, Tansley, Hackney and Matlock Bath) has a population of around 20,000 people. Referring to the CQC website, there are only 5 residential facilities with a specialism in Dementia / Alzheimer's serving the 20,000 community. Only 4 care homes offer completely separate units for Dementia Care. Ivonbrook Care Home already has long serving local staff that are trained to carry out Dementia Care. By being able to increase the number of residents with Dementia they would be able to offer more employment and training in an industry where it is critically required. Derbyshire County Council is currently consulting on and expected to approve the closure of 7 care homes in the local area. Ivonbrook Care Home, as with all care homes, has a requirement for a proportionally high number of staff. The home currently operates with 45 full time and 16 part time staff, a total of 53 FTE (Full Time Equivalent)

staff and 40 residents. This equates to 1.3 staff members for each resident. In addition to this high staff cost, the new owners have invested substantially into the upgrading of the home. Recently extending the kitchen and building a new sunroom / residents lounge. Providing an additional 16 dedicated dementia unit would only require 4 additional members of staff and changes the simple ratio to 1 member of staff to 1 resident. From a financial perspective this is much closer to the 'normal' care home ratios and would allow a more sustainable commercial future for the facility at a time of substantial rising costs and into the future. This would in no way reduce the level of care provided to residents. Many smaller care homes (especially those in older buildings) are closing due to rising costs and inefficiencies. By allowing a further 16 residents to be at Ivonbrook Care Home it is working towards 'future proofing' the business for years to come and guaranteeing the continuation of high quality care for the elderly in the local area".

- 7.3 The District Council has a modest short fall in its supply of housing and there is a recognised need for registered care accommodation within the area. Furthermore, the proposal is an extension to an existing facility and as such cannot be located within the settlement boundary and is adjacent to the settlement boundary of the third tier settlement of Darley Bridge where there is no 5 year supply of housing. On this basis, the principle of the proposed development is acceptable and in accordance with Policies S4 and HC11.

Impact on residential amenity

- 7.4 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) requires that development achieves a satisfactory relationship to adjacent development so as not to cause unacceptable effects by reason of noise or other adverse impacts on local character and amenity.
- 7.5 The proposal is to be located on a raised grassed area to the south of the existing care home. The existing building is two storey to the north and single storey to the south as it utilises the contours of the land. This proposal seeks to minimise its impact by also utilising the difference in land levels by digging the new building into the ground level to the south which involves reducing land levels by 1 – 2.4m. The proposed building would be a total height of 4.7m
- 7.6 The properties on Eversleigh Rise are adjacent to the eastern boundary and No.22 is set to the rear of the plot adjacent to the retaining wall on the boundary. Properties 24, 26, 28 and 30 Eversleigh Rise would be 33m to 34m from the proposed extension with intervening tree screening. The proposed dementia unit would be 16m to 17m from the rear boundaries of these properties. Whilst it is noted that No. 26 has a home office adjacent to the rear boundary of the property, the proposal would be 17.6m from the boundary where there is retaining wall and tree screening between which is considered an acceptable relationship to a non-habitable building.
- 7.7 The applicant has provided sectional drawings to show the relationship of the development with No.22. The rear elevation of No.22 is adjacent to the north western boundary where there is an existing 2.2m high retaining wall that increases in height to the south west to 3.7m. Direct views of the proposed development would therefore be obscured from the ground windows. No 22. has a bedroom window in the first floor rear elevation which would look over the boundary wall and towards the development.
- 7.8 Officers have therefore carefully assessed whether occupants of the proposed bedrooms would be overlooked by occupants of the bedroom to No.22. The nearest facing window bedroom window is within a 45 degree angle relative to the facing bedroom window and therefore would need to be obscure glazed to prevent overlooking and loss of privacy for occupants. However, the other windows including the larger bedroom window on the facing elevation is outside a 45 degree angle and therefore occupants are unlikely to

overlook. Therefore despite the distance between the proposed development and No.22 of 16.4m there would be no direct overlooking between windows or loss of privacy for occupants provided that the nearest bedroom window on the south east elevation is obscure glazed. A planning condition is reasonable and necessary to secure this.

- 7.8 The proposed car park would be in close adjacent to the boundary shared with No.22 at a distance of 3m. There is a retaining wall on this boundary and the land levels of the car park adjacent to this wall would be higher than the ground level of the wall. Officers are satisfied that the wall would prevent undue disturbance from headlights. We have however requested a reduction in the number of parking spaces to bring the car park away from the boundary wall and to facilitate additional landscaping to mitigate any impact from noise as far as is practicable.
- 7.9 The proposed car parking has been calculated using 1 space per additional 3 bed spaces which equates to 6 spaces required where 11 are proposed. An amended plan has been provided that reduces the car park to 9 spaces and means that the nearest car parking space would be 3.4m from the wall as opposed to 0.9m in the original proposal. A 1.8m close boarded fence is also proposed adjacent to the wall and buffer planting can be secured through the landscaping scheme. This amendment involves a betterment to the relationship with No.22 and as such no further consultation with neighbours is required and the proposal is considered to accord with Policy PD1 in terms of amenity impacts.

Character and appearance

- 7.9 Policy PD1 requires all development to be of high quality that respects the character, identity and context of the townscape, contributes positively to an area's character in terms of scale, height, density, layout, appearance, materials and relationship to adjacent buildings.
- 7.10 The existing building is a split level brick building with a mix of pitched and hipped roofs. The brick is light brown in colour at the level adjacent where the extension is proposed and the lower part of the two storey element is red brick with surrounding properties in stone with slate roofs. The design of the building with two wings and a central courtyard all single storey and utilising differences in land levels by digging into the bank is considered to significantly reduce the scale of the building and ensure it is in keeping with the existing building. The extension would be in stone with zinc elements such as the box windows and link section which serve to improve its appearance and design quality. The extension would be viewed in context with the existing building and its woodland setting retained. Trees would screen the building from both neighbouring properties on Eversleigh Rise and from the open land to the south. Long distance views are also obscured from the west and even though land levels reduce there is extensive woodland screening.
- 7.11 The proposed new entrance and reception area for the existing car home building is considered to be of a scale and design in keeping with the existing building together with picking up elements from the proposed extension in terms of external materials of stone and zinc. The location would be much more accessible and is obscured from any neighbouring properties by the existing building. The proposed design is therefore considered to be of a high quality and respect the character of the area in accordance with Policy PD1.

Highways Issues

- 7.12 The Local Highway Authority considers the proposed access to be acceptable. The provision of 1 car parking space per additional three bed spaces is required and the 16 additional bedrooms would therefore require 6 additional car parking spaces. The revised scheme proposes an additional 9 spaces increasing the total to 25 spaces. The scale of parking

proposed is considered appropriate for the number of bedrooms proposed and space has been provided to enable service and delivery vehicles to turn. The Local Highway Authority conclude that no objections are raised, subject to the use remaining ancillary to the nursing home.

Trees and Ecology

- 7.13 Five trees would be removed as part of this proposal and the only arboricultural impact of significance is the proposed removal of an Ash which is categorised as high quality. Whilst this tree should be considered a constraint on development as this particular tree is an ash it is likely to succumb to ash dieback disease within the next five years. On this basis, its removal is considered acceptable to facilitate the proposals. The submitted Tree Protection Plan and Arboricultural Method Statement are acceptable and the guidance and recommendations they contain should be followed with a condition to secure this. The proposal is therefore considered to be in accordance with Policy PD6. Replacement planting will be secured through the landscaping scheme.
- 7.14 The Wildlife Trust has confirmed that sufficient survey work has been undertaken and given the low value and small extent of the habitat affected and the reasonable expectation that a small gain can be achieved through the proposed landscaping and enhancements measures can be secured through a condition the proposed is considered to accord with Policy PD3.

Climate Change

- 7.15 Policy PD7 of the Adopted Derbyshire Dales Local Plan (2017) advises that the District Council will promote a development strategy that seeks to mitigate global warming and requires new development to be designed to contribute to achieving national targets to reduce greenhouse gas emissions by reducing energy consumption and providing resilience to increased temperatures and promoting the use of sustainable design and construction techniques to secure energy efficiency through building design. The Council's Climate Change SPD includes a checklist for development. The building would be constructed utilising high levels of insulation, good levels of air tightness to limit heat loss through conduction and uncontrolled air infiltration. A roof plan indicates 24 PV solar panels on the south roof slope and the use of a low carbon heating system will be explored, such as an Air Source Heat Pump system. A condition requiring the specific details of the measures to mitigate the effects of and adapt to climate change is required in accordance with Policy PD7.

Conclusion

- 7.16 The Local Planning Authority acknowledges that there is a recognised need for registered care accommodation with the Derbyshire Dales area. The proposal will make a significant contribution to addressing this need with a specialised dementia unit to increase the viability of an existing good quality care home adjacent to the third tier settlement where the Council cannot demonstrate a 5 year supply of housing and thus accords with policies S1, S2, S4, PD1, PD6, HC11 of Adopted Derbyshire Dales Local Plan (2017), and the guidance contained with the National Planning Policy Framework (2019). A recommendation of approval is put forward on this basis.

8.0 RECOMMENDATION

That planning permission be granted subject to the following conditions.

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

Reason:

This is a statutory period which is specified in Section 91 of the Town and Country Planning Act 1990.

2. The development shall not be carried out other than in complete accordance with the following approved plans: 0020 P02, 0050 P09, 0055 P05, 0056 P04, 0060 P04, 0065 P06 and 0066 P02.

Reason:

For the avoidance of doubt.

3. Notwithstanding the provisions of the Town and Country Planning (Uses Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking or re-enacting those Orders with or without modifications), the accommodation shall be used for Class C2 'Residential Use' only and shall be used for no other purpose, including any other activity within the same class of the schedule to that Order.

Reason:

The application proposes register care accommodation and has been assessed on this basis. Alternative use of the accommodation may not be acceptable in accordance with the aims of Policies S4 and HC11 of the Adopted Derbyshire Dales Local Plan (2017) and may result in the need to make developer contributions in accordance with the aims of Policy HC11

4. A. No development shall commence until an assessment of the risks posed by any contamination has been submitted in writing to and approved in writing by the Local Planning Authority. Such an assessment shall be carried out in accordance with authoritative UK guidance.

B. Submission of remediation scheme

Where the approved risk assessment (required by part A) identifies contamination posing unacceptable risks, no development shall begin until a detailed scheme to protect the development from the effects of such contamination has been submitted in writing to and approved in writing by the local planning authority.

C. Implementation of approved remediation scheme

Unless otherwise agreed in writing with the local planning authority, the approved scheme (required by part C) shall be implemented and a verification report submitted in writing to and approved in writing by the local planning authority, before the development (or relevant phase of the development) is first brought into use.

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 PD9 of the Adopted Derbyshire Dales Local Plan (2017).

5. Prior to the first occupation of the Dementia Unit hereby approved the parking (including secure cycle parking) shall be provided in accordance with the approved plans and maintained thereafter free from any impediment to its designated use.

Reason:

In the interests of highway safety in accordance with Policy HC19 of the Adopted Derbyshire Dales Local Plan (2017).

6. Samples of all materials to be used in the construction of the external surfaces of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any work to any external surface is carried out. The development shall thereafter be constructed in accordance with the approved details.

Reason:

To ensure a satisfactory external appearance of the development in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

7. Prior to the commencement of any works to construct the superstructure, a programme for the delivery of the measures to mitigate the effects of and adapt to climate change shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved programme.

Reason:

To ensure the delivery of measures to address the requirements of Policy PD7 of the Adopted Derbyshire Dales Local Plan (2017).

8. No removal of hedgerows, trees, shrubs or brambles shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the Local Planning Authority. The works shall then not be carried out other than in complete accordance with the approved survey and mitigation measures.

Reason: In order to safeguard protected and/or priority species from undue disturbance and impacts in accordance with Policy PD3 of the Adopted Derbyshire Local Plan (2017).

9. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP 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 (may be provided as a set of method statements for protected species including great crested newt and other features of value).
 - 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 PD3 of the Adopted Derbyshire Local Plan (2017).

10. A Biodiversity Enhancement Plan (BEP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. The BEP should include recommendations set out in the Preliminary Ecological Appraisal section 4.2 Table 5 (Arbtech December 2021) and clearly demonstrate how a biodiversity net gain will be achieved. It should include the following:

- a) Details of enhancements for species including hedgehog, bats, birds and amphibians
- b) Details of habitat enhancement or creation together with a Biodiversity Metric demonstrating a biodiversity net gain.
- c) Details of management of habitats for wildlife including aims, prescriptions and schedules

The development shall thereafter not be carried out other than in complete accordance with the approved Biodiversity Action Plan.

Reason:

In order to safeguard and enhance habitat on or adjacent to the site in order to secure an overall biodiversity gain in accordance with Policy PD3 of the Adopted Derbyshire Local Plan (2017).

11. No external lighting shall be installed other than in complete accordance with until a detailed lighting strategy which shall have first been submitted to and approved in writing by the Local Planning Authority. This should provide details of the chosen luminaires and any mitigating features such as dimmers, PIR sensors and timers. A lux contour plan shall be provided to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018).

Reason:

In order to safeguard the amenity of neighbouring properties and safeguard protected and/or priority species from undue disturbance and impacts in accordance with Policies PD1 and PD3 of the Adopted Derbyshire Local Plan (2017).

12. The development hereby permitted shall be implemented in accordance with Arboricultural Impact Assessment drawing No. Arbtech AIA 01 Arboricultural Method Statement by Arbtech dated 18th February 2022.

Reason:

To ensure the retention of trees in accordance with Policy PD6 of the Adopted Derbyshire Local Plan (2017).

13. A scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority before the completion or first occupation of the development, the details of which shall include :-

- a) soil preparation, cultivation and improvement;
- b) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
- c) grass seed mixes and sowing rates;
- d) finished site levels and contours;
- e) other vehicle and pedestrian access and circulation areas;
- f) hard surfacing materials;
- g) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc).

The development shall thereafter not be carried out other than in complete accordance with the approved landscaping scheme.

Reason:

To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features in accordance with Policies PD5 and PD6 of the Adopted Derbyshire Dales Local Plan (2017).

14. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion or first occupation of the development (whichever is the sooner). All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall be carried out before the completion or first occupation of the development.

Reason:

To ensure a satisfactory standard of landscaping in accordance with the aims of Policy PD5 of the Adopted Derbyshire Dales Local Plan (2017).

15. Construction work, deliveries and other activities on or to the site shall only be carried out between the hours of 0800 and 1800 on Mondays to Fridays; 0900 to 1300 on Saturdays and no working on Sundays and Bank Holidays unless specifically agreed in writing by the Local Planning Authority beforehand.

Reason:

To protect the amenity of the occupants of nearby dwellings in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

16. The development hereby permitted shall only be occupied or used in connection with, and ancillary to, the occupation of the existing Ivonbrook Nursing Home and shall at no time be severed and occupied as a separate independent unit or business.

Reason:

To prevent the undesirable establishment of a separate independent unit and in the interests of amenity and highway safety in accordance with Policy HC19 of the Adopted Derbyshire Dales Local Plan (2017).

17. Details of the obscure glazing to be used in the smallest window serving bedroom 8 on the south eastern elevation shall be submitted to and approved in writing by the Local Planning Authority. The obscure glazing shall thereafter be installed as approved prior to the first occupation of the development and maintained in throughout the lifetime of the development in accordance with the approved details.

Reason:

In the interests of preserving residential amenity and privacy in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

9.0 NOTES TO APPLICANT:

The Local Planning Authority prior to the submission of the application engaged in a positive and proactive dialogue with the applicant which required the submission of detailed sections to inform the assessment of impacts.

The Town and Country Planning (Fees for Applications and Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (SI 2012/2920) stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 30 of the Town and Country Planning (Development Management Procedure) Order 2010. Where written confirmation is required that one or more Conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £97 per request. The fee must be paid when the request is made and cannot be required retrospectively. Further advice in regard to these provisions is contained in DCLG Circular 04/2008.

This permission relates solely to the application plans and documents below:-

plan no's 0020 P02, 0050 P09, 0055 P05, 0056 P04, 0060 P04, 0065 P06 and 0066 P02

Preliminary Ecological Appraisal
Arboricultural Impact Assessment Plan No. Arbtech AIA 01
Tree Protection Plan Arbtech TPP 01
Tree Survey by Arbtech dated 3rd December 2021
Drainage Strategy Report M-166 Nov 2021