

APPLICATION NUMBER		23/00508/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	11 th July 2023
REASON FOR DETERMINATION BY COMMITTEE	Over 5 objections	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
- Flooding and Drainage

RECOMMENDATION

Approve subject to planning conditions set out in section 8.0 of the report.

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 A previous application (22/00398/FUL) was refused at committee on the 16th August 2022 on the following grounds:-

The siting, scale, and massing of the proposed building and location of the associated car parking area would result in unacceptable overbearing and overshadowing effects, a loss of privacy, light intrusion and noise nuisance to the detriment of the residential amenity of the occupants of nearby dwellings contrary to the requirements of Policies PD1 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

- 2.3 This submission seeks to address the reason for refusal through amendments to position the building 2.4m further from the south eastern boundary with properties on Eversleigh Rise, internal changes to remove bedroom windows on this elevation and removal of the staff car parking adjacent to the boundary with 22 Eversleigh Rise. All car parking would be to the north west of the proposed extension and existing building by extension and improvement to the existing car park which would involve retaining part of the existing bank adjacent to the wooded area. This extended car park would accommodate 25 vehicles.
- 2.4 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 at 4.7m. 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. An extension to the existing reception is also proposed.

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:

22/00398/FUL	Proposed extensions to create new dementia unit and reception area with associated landscaping works and creation of new parking area	Refused	17/08/2022
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 for the following reasons:

- As with the previous application, the proposed development is considered too large for the location, taking up almost all 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.
- Although the new plans now show the development being a little further away from the adjacent properties on Eversleigh Rise, it would still have a severe impact on them - especially Nos. 22 to 32 Eversleigh Rise. The Design and Access Statement makes no reference to how close the proposed development would be to No. 22 Eversleigh Rise which downplays the impact on this mostly-affected property.
- 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.
- The development extends beyond the settlement boundary. Although the applicant claims that the development is an extension of the care home, the Parish Council deems it to be a new unit which lies within the open countryside.
- There would be an increase in traffic to and from the site, both staff and visitors. Lime Kiln Lane, which has several residential dwellings, is not suitable nor safe for any increase in traffic volumes. Residents of Lime Kiln Lane already suffer from the constant use and noise of large vehicles delivering goods to and from the site.
- There is already a heavy requirement for parking and the site already struggles to accommodate this. The number of parking spaces that would be provided, is likely to be insufficient. The suggestion that the new dementia unit would only require four additional staff to look after 16 residents seems to be a gross underestimate.
- The Parish Council has serious concerns about drainage and water run-off onto residential dwellings at Lime Kiln Lane and Ivonbrook Close. Water run-off is already an existing and major problem for neighbouring properties and any increase in hard landscaping would further exacerbate this. The existing drainage and sewerage network

is already overwhelmed and would not be able to accommodate the wastewater from an additional 16 bedrooms.

- The proposed development would have an adverse impact on the environment and wildlife of the site and surroundings. The grassed area at the site of the building is frequently used by 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.
- Finally, although the provision of new dementia services in the area is laudable, the Parish Council would like to ask planning officers and members of the committee to consider planning material matters only and not the emotional aspect of providing dementia care. Should the development be approved, there would be no obligation for it to be used for the purpose intended.

Environmental Health

- 5.2 No comments have been received, however, the response to the previous application was no objection subject to a condition requiring a contaminated land assessment.

Tree and Landscape Officer (DDDC)

- 5.3 The proposals could be implemented with limited immediate impact on existing trees and hedgerows. No protected trees would need to be removed or at risk of harm. A single mature ash tree would need to be removed. This tree is of high quality but is part of the edge of a woodland rather than a single feature specimen so its removal would have limited impact on amenity. The tree has very limited visibility from the public realm. However, there is potential risk of pressure for future tree pruning or tree removals as a result of excessive shading of the proposed building by nearby retained trees. The woodland to the SW, S and SE of the site consists of tall mature trees, their shadows will fall across the S and E elevations of the proposed building.

The retained trees may also be considered to present real or perceived unacceptable risk from branch or tree failure potentially impacting the proposed building. These trees are not currently protected by conservation area or Tree Preservation Order so their pruning or removal would not require consent from DDDC.

Should the current proposed site layout be granted planning consent then the trees on and around the site should be protected appropriately during development works. A condition is recommended that requires the works and site arrangements be implemented exactly as described in the submitted Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan.

The site appears to be well screened from the nearby B5057 road through Darley Bridge as a result of the topography, vegetation and buildings.

Derbyshire Wildlife Trust

- 5.4 No response has been received in relation to this application, however, this will be reported in late presentations or verbally at committee. Their comments on the previous application were that 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 No comments have been received, however, it should be noted that their previous comments requiring the correction of the climate change allowance to 40% in the Drainage Strategy has been corrected in the document submitted.

Highways Authority (DDC)

- 5.6 Their comments on the previous application remain relevant. 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 Nine letters of objection have been received and the concerns are summarised below:-
- a) The proposal is not an extension but an 80% increase in building on the site with only a link corridor.
 - b) The windows in the corridor would overlook No.22 Eversleigh Rise.

- c) The development is not in character with the setting of Darley Bridge and is outside the settlement boundary.
- d) The floor plan shows 7 bedrooms within 30 m and 13.5m at the nearest point from no.22.
- e) The noise and disturbance from 24 hours care needs would be significant.
- f) Loss of privacy and light intrusion to No.22.
- g) Both residents of No.22 work from home with their home office less than 15m from the development.
- h) Noise and disturbance during construction would impact on their working environment.
- i) The Ecology Report is not sufficient with deer and bats often seen on the site.
- j) Loss of wildlife and impact on trees.
- k) A detailed ground survey is required to establish drainage and groundwater and to ensure No.22 is not adversely affected and may cause stability issues to the dwelling and retaining wall.
- l) A 3 to 4m fence has been erected on the boundary of the site with No.22 which impacts on their view and shading of their windows.
- m) The Design and Access Statement as it fails to mention that the distance to the closest residence, No. 22, is 13.5m, with no screening present.
- n) The side courtyard of No.22 is within 11m of the building and 9m from the pathway.
- o) The 45 degree line of sight is not relevant as there are closer window in the rear of No.22 with views possible at greater than 45 resulting in loss of privacy.
- p) The proposal is the same as the scheme that was refused apart from being moved back a few metres.
- q) The owner of No.26 has a home office in their garden adjacent to the boundary with the nursing home and 6 bedroom windows would face their boundary.
- r) Noise and disturbance from the future residents would cause noise disturbance and impact on their work.
- s) Loss of habitat from the deer.
- t) The rear bedroom windows of No.26 already suffer from light disruption from Ivonbrook so any lights on the extension would be an issue.
- u) No.30 has a clear view from their patio of the proposed site so it is not well screened as described by the agent.
- v) There is a concern that foundations close to existing trees would damage their roots.
- w) There would be an increases in traffic on Lime Kiln Lane, 1m from the boundary with no. 12.
- x) The red line plan includes land within the ownership of No. 12 Eversleigh Rise.
- y) Building on the grassed area would increase surface water run in the area.
- z) The scale of the building is large and would be visible from miles around.
- aa) Great Crested Newts have been photographed in the area and these are protected species.
- bb) The development would make the area less attractive for tourist with many residents relying on this income through tourist accommodation.
- cc) The revised proposals differs little from the previously refused one in terms of its scale which was considered overbearing on the neighbouring properties.
- dd) The number of additional staff is low compared to the 40% increase in room capacity for such high dependency patients.
- ee) The garden of No.26 is waterlogged in winter.
- ff) The glazed welfare areas for staff has already led to increase noise and light pollution for neighbouring properties.
- gg) Irrespective of the changes to windows on the elevation facing neighbours their first floor windows would still be overlooked.
- hh) The flooding issue raised previously has not been addressed as water runs from the car park of the nursing home down the road and into the garage of their property and could be dealt with by a condition.
- ii) Building on the greenfield land would exacerbate the existing flooding issue.

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
- Flooding and Drainage

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 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 35-36m from the proposed extension with intervening tree screening. The proposed dementia unit would be 18m to 19m 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 18.8m 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 submitted drawings P0060 Rev P05 and P0055 Rev P07 indicate that there would be no bedroom windows on the north eastern corner of the building nearest to 22 Eversleigh Rise. Therefore, the building has moved further away from the boundary with this property and the 45 degree sector of view is shown on the proposed site plan. The 45 degree angle is nationally recognised assessment of residential amenity impacts and taking this measurement from the centre of the nearest window on the northern elevation of the proposed window it would not conflict with any of the rear windows 22 Eversleigh Rise within it. This means there would not be any direct window to window relationship that could cause the loss of privacy that formed part of the reason for refusal. Distances between the building and properties 24, 26, 28 and 30 Eversleigh Rise would be at a minimum 35 metres away which far exceeds the standard 21 m and in this case there is both screening on the boundary and the extension is single storey and dug into the bank.
- 7.8 In removing the car park from north eastern corner that was adjacent to the boundary with No. 22 it overcomes the issues with regard light intrusion and noise nuisance as this related to the lights and noise of cars within this car park. Furthermore, as the bedroom windows on the northern eastern corner have been removed there would be no windows directly visible from neighbouring properties due to the intervening screening adjacent to where windows are proposed. It is considered that the amendments made overcome the reason for refusal.

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 confirmed previously 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.

Flooding and Drainage

- 7.16 The site is not located within Flood zones 2 or 3 and is less than 1 hectare in size and as such a Flood Risk Assessment is not required. The Drainage Strategy investigated options and concludes that the discharge of rainwater run-off from the development would discharge into the combined sewers on the site and then ultimately discharging into the combined main sewers on Eversleigh Rise. The flow would be limited to a flow rate based on current greenfield run off estimations. The new drainage system will be modelled for the 1:1 year, 1:30 year and 1:100 year rainfall events plus a 40% allowance for climate change. The Lead Local Flood Authority reviewed an earlier version of this document dated November 2022 and had no comments. Any response received to consultation shall be reported at committee.

Conclusion

- 7.17 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). It is considered that the revised proposal overcomes the previous reason for refusal in relation to residential amenity and 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: 0001 P04, 0020 P03, 0050 P12, 0055 P07, 0056 P06, 0060 P05, 0065 P07 and 0066 P03.

Reason:

For the avoidance of doubt and in the interests of proper planning.

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 hereby approved shall not be occupied other than as a residential care home falling within Use Class C2 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 development 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 and Tree Protection Plan TPP 01 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).

9.0 NOTES TO APPLICANT:

The Local Planning Authority considered the application as submitted to be acceptable. On this basis, there was no need to engage with the applicant in a positive and proactive manner to resolve any planning problems and permission was granted without negotiation.

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 0001 P04, 0020 P03, 0050 P12, 0055 P07, 0056 P06, 0060 P05, 0065 P07 and 0066 P03.

Preliminary Ecological Appraisal

Arboricultural Impact Assessment Plan No. Arbtech AIA 01

Arboricultural Method Statement by Arbtech dated 18th February 2022

Tree Protection Plan Arbtech TPP 01

Tree Survey by Arbtech dated 3rd December 2021

Drainage Strategy Report M-166 Nov 2021

Design and Access Statement

Drainage Strategy Report Revision B dated April 2023