

UPDATE SHEET

PLANNING COMMITTEE – 3 October 2023

**To be read in conjunction with the
Report of the Head of Planning and Infrastructure to Planning
Committee**

- (a) Additional information received after the publication of the main reports;**
- (b) Amendments to Conditions;**
- (c) Changes to Recommendations**

- A1 21/00233/REMM Reserved matters approval (access, appearance, layout and scale) (outline planning permission 15/00456/OUTM) for a 62 bed care-home development and 15 care related dwellings along with vehicular access from Ashby Road and internal layout for the first phase.**
- A2 21/00711/REMM Reserved matters approval (internal access, appearance, layout, scale and landscaping) (outline planning permission 15/00456/OUTM) for a 45 unit apartment block within the second phase.**

Both at Willow Farm, Ashby Road, Moira.

Additional Representation/Information

An additional representation has been received, to application reference 21/00233/REMM, objecting to the application on the basis that there is limited parking, there would be extra traffic, there would be noise pollution and that there is no need for an extra care facility in the area.

It has also been brought to the attention of officers by several Members that they have been contacted by a third party who has indicated that they have photographic evidence of Great Crested Newts on the application site.

Members have also been provided with a Committee Briefing Note prepared by the applicant to address questions raised by Members at the Technical Briefing.

Officer Comment

In terms of the additional third party representation received, it is considered that the '*Principle of Development*', '*Neighbours and Future Occupants Amenities*' and '*Accessibility*' sections of the Committee Report associated with application reference 21/00233/REMM, to which the objection is associated, address the contents of the representation received and no further commentary is necessary.

In terms of Great Crested Newts (GCNs) it must be first understood that the applications being considered are reserved matters applications associated with the access, appearance, scale, layout, and landscaping of the development approved under outline application reference 15/00456/OUTM. The impacts to ecology therefore are not for consideration at the reserved matters application stage given that such matters were assessed and considered acceptable at the outline stage and whereby the County Council Ecologist raised no objections subject to the imposition of conditions. For the avoidance of doubt the County Council Ecologist has also raised no objections to both reserved matters applications.

The outline planning permission (15/00456/OUTM) was subject to a condition (no. 19) which related to GCNs and stated the following:

“Prior to the submission of any reserved matters application, or other detailed submission, a Phase 1 Habitat Survey and also Great Crested Newts Surveys of ponds within 500 metres of the site shall be undertaken and findings and appropriate extensive mitigation measures and timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The mitigation measures will be implemented in full accordance with the approved details and implementation period prior to development commencing.

Reason – In the interests of the protection of protected species.”

This condition was discharged on the 5th June 2018 and relevant information in connection with the condition can be viewed on the District Council’s website at the following link: [15/00456/OUTM | Residential care development including apartments and cottages and residential care home with associated car parking and landscaping \(outline - details of access, appearance, landscaping, layout and scale reserved for subsequent approval\) | Willow Farm Ashby Road Moira Swadlincote Derby DE12 6DP \(nwleics.gov.uk\)](https://www.nwleics.gov.uk/15/00456/OUTM%20Residential%20care%20development%20including%20apartments%20and%20cottages%20and%20residential%20care%20home%20with%20associated%20car%20parking%20and%20landscaping%20(outline%20-%20details%20of%20access,%20appearance,%20landscaping,%20layout%20and%20scale%20reserved%20for%20subsequent%20approval)%20Willow%20Farm%20Ashby%20Road%20Moir%20Swadlincote%20Derby%20DE12%206DP).

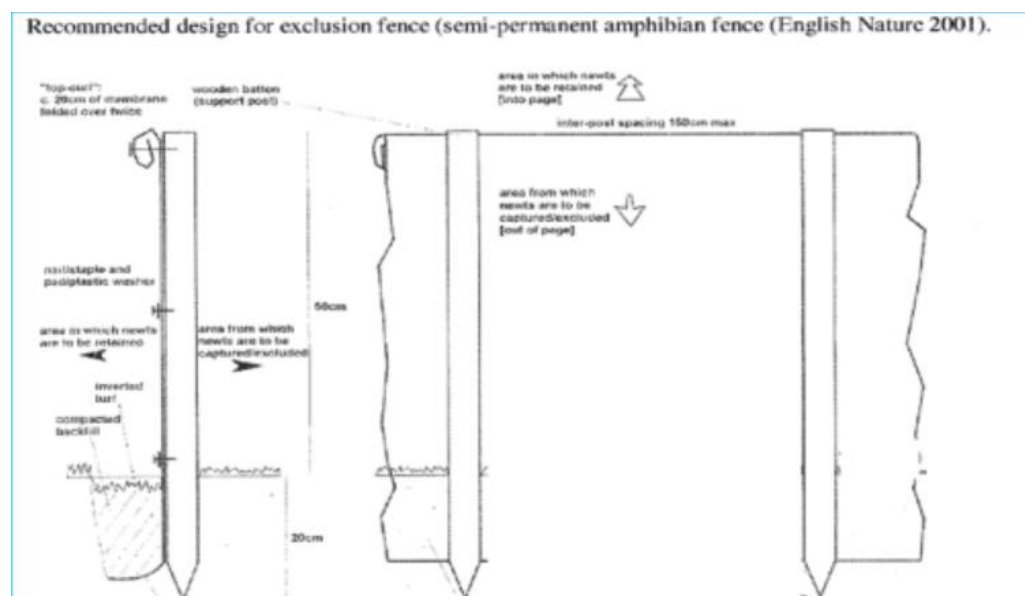
The recommendations of the approved report outline that the following shall be carried out in developing the site:

1) GCN – Exclusion/Barrier Fence

(a) An exclusion fence to be erected along the eastern and southern boundaries of the site.

(b) Erection of the fence to be on the “inside” of the hedges (i.e. between the proposed development site and hedges – thus the hedges to be included within the area then to be known as the “Exclusion Zone” – adjacent Forestry Plantation.

(c)



(d) *Objective of the fence:*

- (i) *The objective of the fence is to prevent access of Great Crested Newts from the potential foraging grounds adjacent to the site (New Woodland Plantation) onto the proposed development site during the development phase.*
- (ii) *To highlight the development boundary and prevent storage of development materials within the “Exclusion Zone”.*
- (iii) *To highlight the development boundary and prevent development machinery entering into the “Exclusion Zone” and damaging the hedge during development works.*

(e) *Pre-development surveys*

- (i) *The fence is erected prior to the commencement of any development works.*
- (ii) *A Fingertip search is undertaken of the proposed line of the Barrier Fence prior to erection.*
- (iii) *A Fingertip search is undertaken of the site in conjunction with the erection of the Barrier Fence.*
- (iv) *All Fingertip searches to be undertaken by a licensed ecologist.*

(f) *Post-development works*

Daily and monthly inspections of the barrier fence throughout the lifetime of the development. The daily inspections are undertaken by a member of the development staff and a record maintained, the monthly inspection to be undertaken by a licensed ecologist.

In developing the site the applicant will have to comply with the mitigation measures outlined above and this would be considered sufficient in ensuring that no adverse impacts to GCNs would arise. It is also the case that GCNs are a protected species and therefore the applicant would also have to had regard to relevant legislation under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 in developing the site and seek relevant licences from Natural England where required. Therefore for the sake of clarity, this matter has already been resolved and is not a matter that can be revisited under a reserved matters application.

RECOMMENDATION – NO CHANGES TO RECOMMENDATIONS.