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Tuesday, 19 March 2024

To All Councillors:

As a Member or Substitute of the **Planning Committee**, please treat this as your summons to attend a meeting on **Thursday, 28 March 2024 at 5.00 pm** in the **Members Room, County Hall, Matlock, DE4 3AG**

Yours sincerely,

Helen Mitchell  
Director of Corporate and Customer Services

This information is available free of charge in electronic, audio, Braille and large print versions, on request.

For assistance in understanding or reading this document or specific information about this Agenda or on the “Public Participation” initiative please call the Committee Team on 01629 761133 or email [committee@derbyshiredales.gov.uk](mailto:committee@derbyshiredales.gov.uk)

## AGENDA

**SITE VISITS:** Attached to the agenda is a list of sites the Committee will visit (**by coach**) on **Wednesday, 27 March 2024**. A presentation with photographs and diagrams will be available at the meeting for all applications including those visited by the Committee.

### 1. APOLOGIES FOR ABSENCE

Please advise the Democratic Services Team on 01629 761133 or email [committee@derbyshiredales.gov.uk](mailto:committee@derbyshiredales.gov.uk) of any apologies for absence.

## 2. INTERESTS

Members are required to declare the existence and nature of any interests they may have in subsequent agenda items in accordance with the District Council's Code of Conduct. Those interests are matters that relate to money or that which can be valued in money, affecting the Member, her/his partner, extended family and close friends. Interests that become apparent at a later stage in the proceedings may be declared at that time.

## 3. PUBLIC PARTICIPATION

To provide members of the public **who have given prior notice** (by no later than 12 Noon on the working day prior to the meeting) with the opportunity to express views, ask questions or submit petitions relating to planning applications under consideration. Representations will be invited immediately before the relevant item of business/planning application is discussed. Details of the Council's Scheme are reproduced overleaf. To register to speak on-line, please click here [Speak at Planning Committee](#). Alternatively email: [committee@derbyshiredales.gov.uk](mailto:committee@derbyshiredales.gov.uk) or telephone 01629 761133.

## 4. APPLICATIONS FOR DETERMINATION

Please note that for the following items, references to financial, legal and environmental considerations and equal opportunities and disability issues will be embodied within the text of the report, where applicable.

### 4.1. APPLICATION NO. 18/01242/EIA (Pages 9 - 150)

Hybrid Planning Application, accompanied by an Environmental Statement comprising of an Outline Planning Application with approval being sought for site access for up to 345 Residential Units, Class E 'Commercial' uses including Retail and a Restaurant / Cafe, a Hot Food Takeaway (Sui Generis) Unit and Open Space including a Country Park and Play Area and associated landscaping and surface water attenuation and a Full Planning Application for 78 residential units with associated access, open space, landscaping and surface water attenuation at Land Between Sandy Lane, Bent Land and Gritstone Road, Matlock.

**Members of the Committee:** Peter O'Brien (Chair) , Sue Burfoot (Vice-Chair)

David Burton, Robert Archer, John Bointon, Neil Buttle, Peter Dobbs, Nigel Norman Edwards-Walker, David Hughes, Stuart Lees, Laura Mellstrom, Dermot Murphy, Peter Slack and Nick Whitehead

### **Nominated Substitute Members:**

Substitutes – Councillors Anthony Bates, Geoff Bond, Kelda Boothroyd, Marilyn Franks, Gareth Gee, Dawn Greatorex, Andy Nash, Roger Shelley and Nick Wilton

## **SITE VISITS**

Members are asked to convene outside Reception, at the front entrance of the Town Hall, Matlock at **10:10am prompt** on **Wednesday, 27 March 2024**, before leaving **(by coach)** at **10:20am** to visit the sites as detailed in the included itinerary.

## **COMMITTEE SITE MEETING PROCEDURE**

The purpose of the site meeting is to enable the Committee Members to appraise the application site. The site visit is not a public meeting. No new drawings, letters of representation or other documents may be introduced at the site meeting. The procedure will be as follows:

1. A coach carrying Members of the Committee and a Planning Officer will arrive at the site as close as possible to the given time and Members will alight (weather permitting)
2. A representative of the Town/Parish Council and the applicant (or representative can attend.
3. The Chairman will ascertain who is present and address them to explain the purpose of the meeting and sequence of events.
4. The Planning Officer will give the reason for the site visit and point out site features.
5. Those present will be allowed to point out site features.
6. Those present will be allowed to give factual responses to questions from Members on site features.
7. The site meeting will be made with all those attending remaining together as a single group at all times.
8. The Chairman will terminate the meeting and Members will depart.
9. All persons attending are requested to refrain from smoking during site visits.

## **PUBLIC PARTICIPATION**

Members of the public may make a statement, petition or ask questions relating to planning applications or other agenda items in the non-exempt section of an agenda at meetings of the Planning Committee. The following procedure applies.

- a) Public Participation will be limited to one hour per meeting, with the discretion to extend exercised by the Committee Chairman (in consultation) in advance of the meeting. On line information points will make that clear in advance of registration to speak.
- b) Anyone wishing to make representations at a meeting must notify the Committee Section before Midday on the working day prior to the relevant meeting. At this time they will be asked to indicate to which item of business their representation relates, whether they are supporting or opposing the proposal and whether they are representing a town or parish council, a local resident or interested party.
- c) Those who indicate that they wish to make representations will be advised of the time that they need to arrive at the meeting venue so that the Committee Clerk can organise the representations and explain the procedure.
- d) Where more than 2 people are making similar representations, the Committee Administrator will seek to minimise duplication, for instance, by establishing if those present are willing to nominate a single spokesperson or otherwise co-operate in the presentation of their representations.
- e) Representations will only be allowed in respect of applications or items which are scheduled for debate at the relevant Committee meeting,
- f) Those making representations will be invited to do so in the following order, after the case officer has introduced any new information received following publication of the agenda and immediately before the relevant item of business is discussed. The following time limits will apply:

Town and Parish Councils	3 minutes
Objectors	3 minutes
Ward Members	5 minutes
Supporters	3 minutes
Agent or Applicant	5 minutes

At the Chairman's discretion, the time limits above may be reduced to keep within the limited one hour per meeting for Public Participation.

- g) After the presentation it will be for the Chairman to decide whether any points need further elaboration or whether any questions which have been raised need to be dealt with by Officers.
- h) The relevant Committee Chairman shall exercise discretion during the meeting to rule out immediately any comments by participants that are not directed to genuine planning considerations.

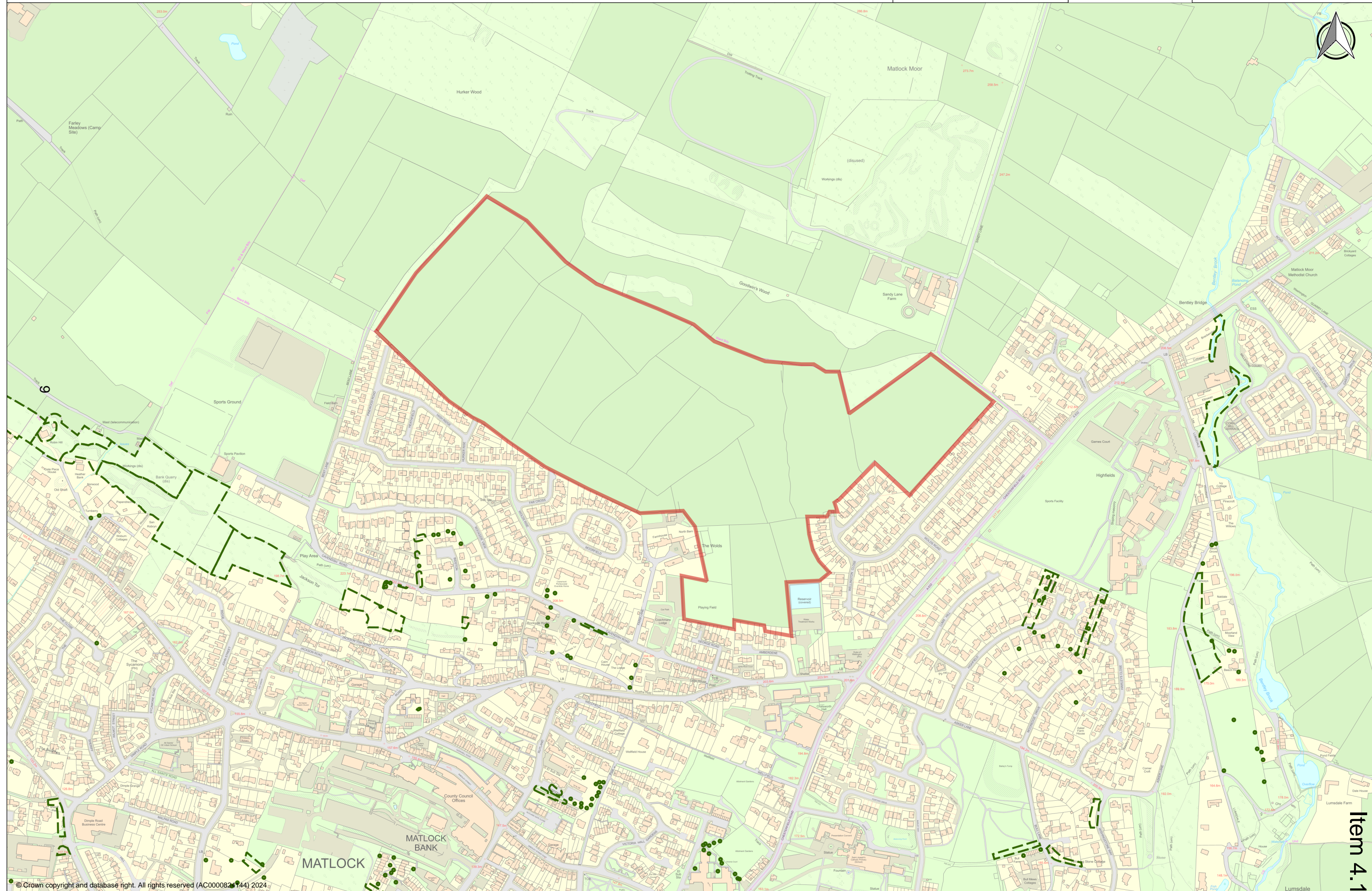
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**SITE VISIT (to be undertaken on the 27<sup>th</sup> March)**

<b>LEAVE OFFICE</b>		<b>10:20</b>
18/01242/EIA	Land Between Sandy Lane, Bent Lane and Gritstone Road, Matlock – Meet at the Gritstone Road entrance to the site.	10:30
<b>RETURN</b>		<b>11:30</b>

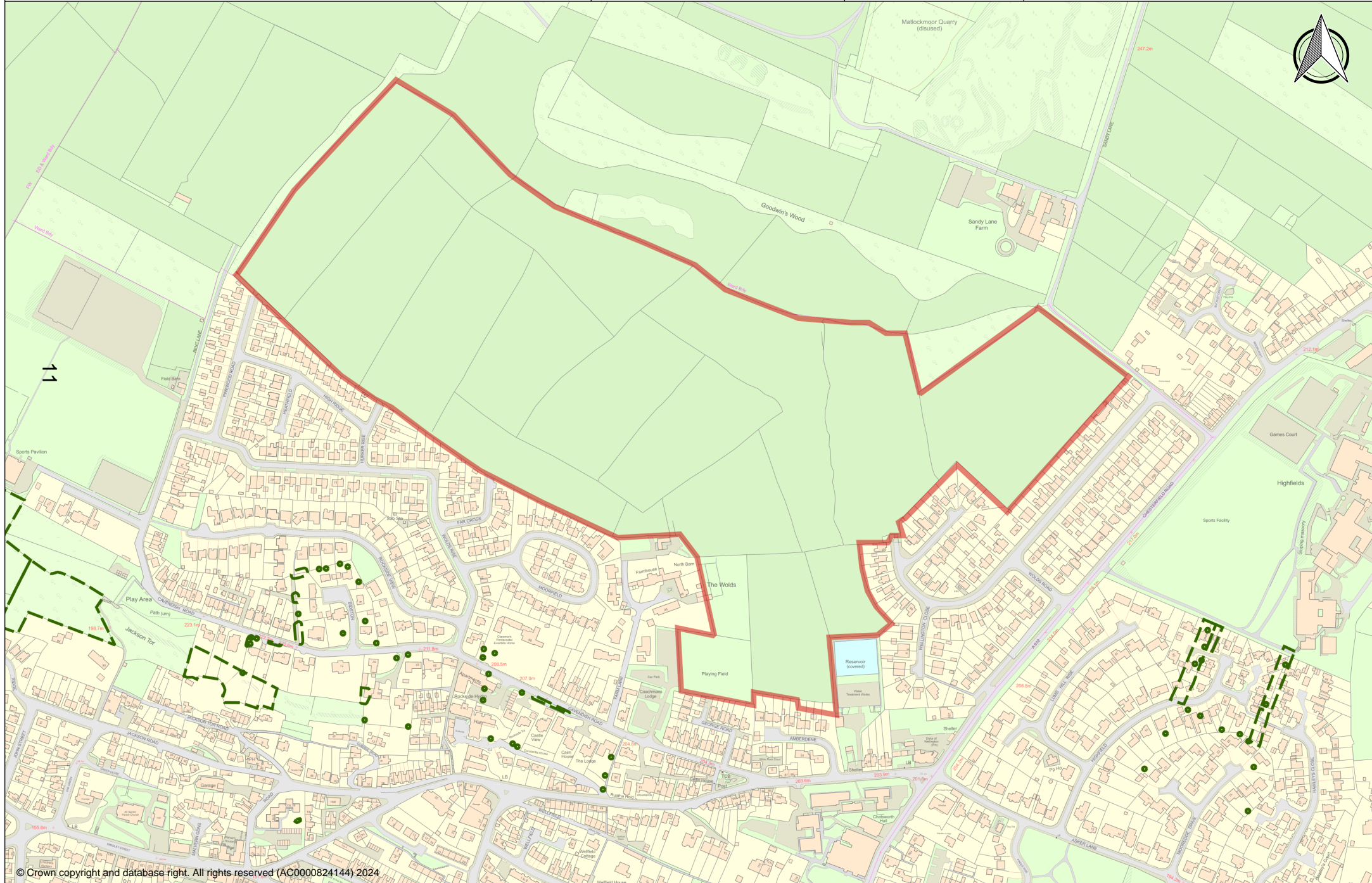
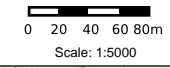
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Item 4.1

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<b>APPLICATION NUMBER</b>		18/01242/EIA	
<b>SITE ADDRESS:</b>		Land Between Sandy Lane, Bent Lane and Gritstone Road, Matlock	
<b>DESCRIPTION OF DEVELOPMENT</b>		Hybrid Planning Application, accompanied by an Environmental Statement comprising of an Outline Planning Application with approval being sought for site access for up to 345 Residential Units, Class E 'Commercial' uses including Retail and a Restaurant / Cafe, a Hot Food Takeaway (Sui Generis) Unit and Open Space including a Country Park and Play Area and associated landscaping and surface water attenuation and a Full Planning Application for 78 residential units with associated access, open space, landscaping and surface water attenuation	
<b>CASE OFFICER</b>	Mr Chris Whitmore	<b>APPLICANT</b>	William Davis Limited
<b>PARISH/TOWN</b>	Matlock Town	<b>AGENT</b>	Mr John Dickinson, Dickinson Planning
<b>WARD MEMBER(S)</b>	Cllrs. Susan Burfoot, Martin Burfoot and Steve Wain	<b>DETERMINATION TARGET:</b>	11 <sup>th</sup> March 2019
		<b>AGREED EXTENSION OF TIME:</b>	1 <sup>st</sup> November 2023
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	EIA development, major application, more than five unresolved objections received and considered sensitive by the Development Manager	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	To fully appreciate and assess the impact of the development on the local environment.

<b>MATERIAL PLANNING ISSUES</b>
<ul style="list-style-type: none"> <li>• Policy Context / Principle</li> <li>• Landscape and Visual Impact</li> <li>• Biodiversity</li> <li>• Transport and Access</li> <li>• Historic Environment</li> <li>• Hydrology and Drainage (including Flood Risk)</li> <li>• Ground Conditions and Contamination</li> <li>• Air Quality</li> <li>• Noise and Vibration</li> <li>• The appropriateness of the layout, scale and appearance of the development and associated landscaping</li> </ul>

- Viability, affordable housing provision and housing mix
- Infrastructure requirements and developer contributions
- Open space provision
- Climate Change

## **RECOMMENDATION**

That the application be refused for the reasons set out in section 8.0 of this report.

## 1. THE SITE AND SURROUNDINGS

- 1.1 The application site comprises agricultural land covering 23.6 hectares, to the north of Matlock beyond existing residential development off Gritstone Road, Bentley Close, Hurker Rise, High Ridge, Wolds Rise and Pinewood Road.
- 1.2 The land includes a series of sloping pastoral fields intersected by dry stone walls, trees and boundary hedgerows. Sandy Lane borders the north east boundary of the site. Along the southern edge of the site is the existing settlement edge, with residential development comprising mainly detached and semi-detached dwellings dating from the 1960s through to the 1980s to the south west and south east.
- 1.3 The turning heads / spurs to the residential estate roads which border the site along its southern edge, namely Pinewood Road, Hurker Rise and Far Cross connect to Wolds Rise, Cavendish Road and Wellington Street before connecting at its eastern end with the A632. Gritstone Road extends from the south eastern boundary of the Site, linking with Wolds Road and Sandy Lane which both connect to the A632 Chesterfield Road to the south east.
- 1.4 Small broadleaved woodland compartments and pasture land, with further pasture, woodland (known as 'Hurker Wood' and 'Godwin's Wood') and moor are located on higher ground to the north of the site. An area of woodland to the north of the eastern part of the site is covered by a Tree Preservation Order (TPO). A mature tree belt extends down to meet Pinewood Road on the western boundary, which is also the subject of a TPO. Agricultural land is located to the north west, with Cavendish Fields Sports Association playing fields, pitch and associated building and car park to the south west, beyond Cavendish Road.
- 1.5 The Wolds Farm House (Listed Grade II) is located to the south side of the site, off Farm Lane. The Matlock Bank Conservation Area is also located to the south of the site.
- 1.6 All of the site is located in Flood Zone 1. The nearest ordinary watercourse is Bentley Brook located approximately 0.3km east of the site. The River Derwent is located approximately 1.5km to the south west. Occupying an elevated position in the landscape there are distant views out towards Riber Castle (Listed Grade II) and the Peak District National Park from the site.
- 1.7 The nearest PRow is Matlock footpath no. 3 which extends from Chesterfield Road along Sandy Lane, adjacent to the north east site boundary that continues to the north east then north to Matlock Moor. A Definitive Map Modification Order (DMMO) claim for a bridleway has been made along Bent Lane, with access to the potential bridleway at the western of the site. This is not shown on the interactive definitive map at the time of writing the report.
- 1.8 The site falls from the north west at 250m AOD and south west at 236m AOD in a south east direction towards the centre of the site and then to the south to 210m AOD to the south west of the covered Wolds Distribution Service Reservoir. The Site in its north east corner is at 232m AOD and south east at 222m AOD and generally falls to the south west towards the centre of the Site, then to the lowest point in the south as referred to above. The Derwent Valley Aqueduct runs below ground in a north-west to south-east direction through the site, beyond the part of the site upon which full planning permission for development is sought.
- 1.9 The full component of the application covers 2.43ha and includes two field parcels to the north west of the existing dwellings along Gritstone Road and off Bentley Close. The land levels at the south eastern corner of the part of the application applied for in full are higher than the land levels of the properties along Gritstone Road at this point. The fields then rise

in a northerly direction to higher ground. A small, wooded area bounds this part of the site along its northern edge.

### Site Photographs



**(Photograph 1 - View from Sandy Lane / PF3 looking towards the A632)**



**(Photograph 2 View from Sandy Lane / PF3 looking across the part of the site upon which full planning permission is sought with existing residential development in the background – Riber Castle (Grade II listed) can be seen of the horizon)**



**(Photograph 3 – View from the north east of the site towards the properties off Bentley Close and Gritstone Road)**





**(Photograph 4 – Drainage ditch close to boundary between the two fields, which are the subject of the full application)**



**(Photograph 5 – Existing dwellings along Gritstone Road)**



**(Photograph 6 – Difference in levels between the dwellings along Gritstone Road and the north eastern corner of the site (nos. 2-8))**



**(Photograph 7 – View south west from Chesterfield Road at the Wolds Road Junction)**



**(Photograph 8 – View north east from Chesterfield Road at the Wolds Road Junction)**



**(Photograph 9 – Sandy Lane junction with Chesterfield Road)**



**(Photograph 10 – View of the part of the site upon which outline planning permission is sought looking west – band of trees on the western boundary in view and existing residential development along High Ridge)**



**(Photographs 11 and 12 – Views of the fields intersected by drystone walls upon which outline planning permission is sought – views towards Hurker and Godwin’s Wood)**



**(Photograph 13 – Existing field access at the western end of the site where Pinewood Road currently terminates)**



**(Photograph 14 – Existing dwellings along Pinewood Road)**



**(Photograph 15 – Wolds Rise and Rockside View Junctions)**



**(Photograph 16 and 17 – End dwelling at the current termination of Gritstone Road and wider streetscene)**



**(Photograph 18 – The Wolds Farm House – Grade II Listed)**



**(Photograph 19** – View from within the site looking back towards the settlement - The Wolds Farm Grouping positioned centre right)



**(Photograph 20** – Views towards The Wolds Farm Grouping showing existing boundary treatment and topography)

## **2. THE APPLICATION**

- 2.1 This hybrid application is split into two elements. Full planning permission is sought for 78 residential units with site access, open space, landscaping and surface water attenuation and outline permission, with all matters reserved apart from site access, is sought for up to 345 residential units, Class E 'Commercial' uses including Retail and a Restaurant / Cafe, a Hot Food Takeaway (Sui Generis) Unit and Open Space including a Country Park and Play Area and associated landscaping and surface water attenuation.
- 2.2 The application was submitted on 7<sup>th</sup> November 2018 and originally proposed 75 dwellings in full and 340 dwellings, A1 retail, A3 Restaurant and Cafe and A5 Hot Food Takeaway uses, in addition to a countryside park in outline, Local Equipped Area for Play ('LEAP') landscaping and surface water attenuation in outline and was accompanied by an Environmental Statement. The applicant requested a scoping opinion from the District Council on the 28<sup>th</sup> September 2016 to determine the extent of issues to be considered in the assessment and reported on in the Environmental Statement. The Environmental Statement includes 14 chapters, with chapters 6 – 14 considering the potential significant environmental effects, identified in the scoping request and opinion, and mitigation and enhancement measures where appropriate. The chapters include the following topics:
  - Landscape and Visual Impact Assessment
  - Biodiversity
  - Transport and Access
  - Historic Environment
  - Hydrology and Drainage (including Flood Risk)
  - Ground Conditions and Contamination 20

- Air Quality
- Noise and Vibration
- Socio-Economic Impacts

- 2.3 The development is to come forward in four phases, which the applicants advises will be delivered over a 9 year period. The part of the application applied for in full (78 dwellings) comprises phase 1. The link road, 100 dwellings and the central area of open space and drainage will comprise phase 2. To the west of this 130, dwellings and associated drainage will comprise phase 3. Finally, the north western most part of the site will comprise phase 4 and accommodate the remaining 115 dwellings. The development will provide 62 affordable dwellings (14.66% of the total provision of housing to be delivered across the site). 11 affordable houses will be delivered on phase 1 and 52 units on phases 2 – 4.
- 2.4 The main vehicular / pedestrian access to and from the site will be from Gritstone Road and Pinewood Road, with additional pedestrian and cycleway access off Far Cross & Hurker Rise. The application also provides a pedestrian link onto Sandy Lane which carries PRoW no. 3, Matlock.
- 2.5 The proposed development incorporates a local centre with provision for approximately 350sq.m of commercial floorspace comprising a shop, restaurant / café and hot food takeaway. This is proposed in the central part of the site and is shown on the indicative layout plan to come forward in phase 3 to enable walking/cycling links from all parts of the development and wider area.
- 2.6 During the consideration of the application a viability argument was presented to the Local Planning Authority by the applicant in May 2021. This was independently assessed by a viability expert appointed by the Council and is considered in the officer's appraisal section of the report. Amendments to the layout and design of the houses on phase 1 have also been made and addendums received to the Environmental Statement on two separate occasions, which have been consulted on in accordance with regulation 22 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.
- 2.7 The most recent addendums to the application seek to address land drainage, biodiversity and landscaping matters / concerns raised during the consideration of the application. The application proposes a series of attenuation ponds, which have been designed to attenuate surface water from the site and a wider upstream catchment and control discharge into the sewer network to not exceed available capacity. The reduced capacity in the sewer has resulted in the substantial increase in the volume of ponds serving phase 2. Phase 1 includes a large attenuation basin in the south western part of the site, adjacent to the existing dwellings off Bentley Close and a smaller attenuation basin where the new estate road meets the boundary with those properties which will capture overflow water from a spring fed watercourse which crosses the site to be culverted under the access road, where it will continue to discharge into a drainage outlet.
- 2.8 The landscaping proposals for the scheme have been amended in order to achieve a biodiversity net gain of 1.97 habitat units (2.63%) and a gain of 3.10 hedgerow units (57.57%). These habitat enhancements are to be included in the greenspaces within the built development and the countryside park, along with an adjoining 0.5ha of land to the north of Phase 1. The development is to be served by a countryside park, which includes provision for some temporary displacement and reinstatement of rush pasture, all of the Lowland Meadow and most of the semi-improved grassland. A long-term management plan is also proposed for the countryside park and greenspaces within the development. Sections through the countryside park have been prepared to illustrate how landform in the countryside park will be dealt with and where the proposed areas grassland and rush pasture translocation and attenuation ponds will sit within the valley.

- 2.9 The application proposes a financial contribution towards Cavendish Playing Fields in lieu of on-site provision.
- 2.10 Following revisions to the proposed development, including the enlargement and resizing of attenuation basins and changes to the landscaping proposals since the original Landscape and Visual Impact Assessment was undertaken in 2018 a Landscape and Visual Impact Assessment addendum dated May 2023 has been submitted.
- 2.11 The housing development on phase 1 comprises a mix of 2, 4 and 4 bed roomed dwellings. These will be in the form of 74 no. 2 and 2 ½ storey dwellings and 4 no. affordable bungalows sited at the eastern end of the site behind nos. 2 – 8 Gritstone Road.

The housing mix is as follows:

### **Market Housing**

<u>Number of bedrooms</u>	<u>Number of dwellings</u>
2	22 (33%)
3	32 (48%)
4	13 (19%)

### **Affordable Housing**

<u>Number of bedrooms</u>	<u>Number of dwellings</u>
2	8 (73%)
3	3 (27%)

The total percentage of affordable housing to be delivered on phase 1 comprises 12.8%. A further 51 affordable dwellings are to be provided in the later phases of development, to provide the proportion of affordable housing that can be viably made.

- 2.12 The application site is accompanied by a density plan, which shows medium density development where the site meets existing development on the fringes of the town and lower density as the development meets the countryside beyond, with higher density development focused on the central part of the site, where the local centre is to be located.
- 2.13 The applicant has submitted an indicative layout for the later phases of development applied for in outline, with the expectation that the following mix will be achieved, which is based on an assessment of need and market demand:

- 4+ bed dwellings - 20%
- 3 bed dwellings - 46%
- 2 bed dwellings - 27%
- 1-bed dwellings - 7%

The value from the development which underpins the viability work undertaken has been based on this indicative mix.

- 2.14 The layout of development on phase 1 shows a street of detached and semi-detached two storey houses, extending from the existing Gritstone Road turning head to where it will meet a junction beyond the attenuation basins, where it will head left towards the later phases of development and link road over the countryside park. North of this junction on higher ground will be 8 dwellings located off a private drive. An estate road will head in a north easterly direction adjacent a wooded area at the northern boundary of the site towards Sandy Lane with a pedestrian link at the turning head. A further estate road will head south east along the north eastern side of the attenuation basins, serving houses at the rear of the existing

Gritstone Road properties. The road layout has been designed to limit the need for development platforms and significant engineering works, with dwellings following / responding to site topography.

- 2.15 The design of the dwellings fronting Sandy Lane are of a rural character, faced in natural stone. Behind these properties the dwellings are to be faced in buff brick and render with a transition from the warmer tones of the stone to a darker buff brick found in the construction of the existing properties off Gritstone Road. The houses are of a traditional appearance and form, featuring chimney stacks brick banding, kneelers and arched heads.
- 2.16 To help adapt and help mitigate the effects of climate change, the applicant advises that the development has been designed with landscape buffers to the western and southern boundaries, and street trees throughout the development that once fully grown can absorb around 20kg of carbon dioxide per year. Along with extensive tree planting within the built development, the scheme provides in excess of 10 hectares of open space, including the Countryside Park, with biodiversity enhancement including tree and shrub planting and sustainable urban drainage.
- 2.17 A fabric first approach will be taken to sustainable building design. All buildings will aim to minimise the need for energy consumption through methods such as:
- Maximising air-tightness;
  - Using super-high insulation;
  - Optimising solar gain through the provision of openings and shading;
  - Optimising natural ventilation; and
  - Using the thermal mass of the building fabric.

The applicant advises that where appropriate sustainable building techniques, including using building materials capable of being recycled and reducing construction waste will be adopted. Future home owners will have access to electric charging points and any new dwelling built after 2025 will need to meet future homes buildings standards.

- 2.18 The application is accompanied by a suite of supporting documentation / information, which support the conclusions of the viability appraisal and the Environmental Statement and associated addendums submitted, detailed plans to support the full application and indicative drawings relating to the later phases of development. All of these documents and plans form part of the public file and have been examined and commented on by consultees and an independent viability expert and quantity surveyor. They are referred to, where necessary, and pertinent in the 'Officer Appraisal' section of this report.
- 2.19 The applicant advises that their intention in submitting a hybrid application is to allow the early delivery of the phase 1 scheme without the need to apply separately for reserved matters should the Council grant planning permission for the overall masterplan, indicating development of the site for up to 423 units. They advise that they are committed to the delivery of housing on this site and is experienced in providing successful housing schemes in Matlock.

### **3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK**

#### **3.1 Adopted Derbyshire Dales Local Plan (2017)**

S1	Sustainable Development Principles
S2	Settlement Hierarchy
S3	Development within Defined Settlement Boundaries
S7	Matlock / Wirksworth / Darley Dale Development Area

S10	Local Infrastructure Provision and Developer Contributions
PD1	Design and Place Making
PD2	Protecting the Historic Environment
PD5	Landscape Character
PD6	Trees, Hedgerows and Woodlands
PD7	Climate Change
PD8	Flood Risk Management and Water Quality
PD9	Pollution Control and Unstable Land
HC1	Location of Housing Development
HC2	Housing Land Allocations
HC4	Affordable Housing
HC11	Housing Mix and Type
HC14	Open Space, Sports and Recreation Facilities
HC19	Accessibility and Transport
HC20	Managing Travel Demand
HC21	Car Parking Standards
DS4	Land off Gritstone Road / Pinewood Road, Matlock Strategic Housing Allocation

### 3.2 Other Material Considerations:

National Planning Policy Framework (2023)  
National Planning Practice Guidance  
Climate Change Supplementary Planning Document (2021)  
Developer Contributions Supplementary Planning Document (2020)  
Landscape Character and Design Supplementary Planning Document (2018)

## 4. RELEVANT PLANNING HISTORY

4.1 None.

## 5. CONSULTATIONS

Consultation has been undertaken following receipt of the application in November 2018, amendments to the scheme in October 2019 and under regulation 22 of the Environmental Impact Assessment Regulations (2011) following additional information received in respect of the Environmental Statement and associated amendments to the proposals in May 2021 and June 2023. The consultation responses received in respect of each of the aforementioned events are set out below.

### **Comments on application as submitted – November 2018**

#### 5.1 Matlock Town Council:

Matlock Town Council wishes to register its objection to this Planning Application in the strongest of terms. Now that the site has been included in the Local Plan it is crucial that any application for its development meets all the criteria contained in it.

Outlined below are some of the many instances where Matlock Town Council consider that the Local Plan is contravened:-

#### *Meeting Housing Needs*

This application is dominated by larger houses. This contravenes the policies of the Local Plan which have been put in by the Planning Inspector.



*This Planning Application does in fact cause significant highway problems and therefore to comply with Policies S3 and HC19 it should be rejected for the following reasons:-*

- i) Where are the considerations of safety as now expressed in the revised NPPF? Specifically a driver's frustration and anger at being delayed day after day in traffic queues, leading to 'unsafe' driving following their 'release' back into normal 'free following' traffic conditions. Quite recent medical research has been carried out into this matter.
- ii) Concern is expressed that 'over reliance' on Sustainable Transport is not guaranteed as it is not enforceable - only an individual personal choice to utilise what is provided is the key. Where is the magnitude of the changes to be expected from the proposals made actually stated. Matlock is a small rural Town with 'challenging' topography.
- iii) The Town Council reiterates its objection to the proposal that the Cavendish Road 'corridor' is to be used as an access into the new Development Site in the strongest terms. Cavendish Road itself is already 'overstressed' – now effectively a single carriageway road. In addition Wolds Rise has many specific individual problems.

Why does the Developer propose to widen Pinewood Road when the 'pinch point' is Cavendish Road which is fully constrained by the existing houses along the whole of its length. No further additional traffic can be allowed on this corridor - it is already 'fragile'. Also of particular concern is the further increase of traffic from the development site onto the A632 junction at Wolds Road. There certainly appears to be a driver visibility problem for either a L or R Turn out of this junction due to the extent of the existing 'tall island hedge' and the parked cars on the A632 blocking the sightline.

- iv) Of great concern is the developer's proposal to add an additional Traffic Lane at Crown Square roundabout (A615 Bakewell Road from the direction of Darley Dale). This proposal should be closely examined as many residents have stated their view that "it is not going to work" - with which we agree.
- v) The results of the required 'Sequential Test' for the 230 new houses already under construction off the A632 may well be contained in the mass of computer output results in the documentation - but it's effects on the A632 itself and the town centre key infrastructure should also be explained in 'simple words' – As should the outcome of the effects of the development itself at completion.

### *Landscape Character*

The site and the surrounding area is a locally valued landscape and visual amenity, so development of so many houses will be detrimental to this, constitute urban sprawl and be clearly seen from local and more distant viewpoints.

In addition to the contravention of the Local Plan, the following points highlight other problems associated with this planning application.

- a) The current locations of Air Quality Monitoring Tubes in the Town centre appear to be in positions which will not give true readings of the emissions from vehicles. The prediction of unsafe levels of Nitrogen Dioxide are seriously flawed. (It is understood this has already been raised with both Local Authorities - but a response on any actions to be taken is still awaited) . The Town Council's concern is that any further Housing Development traffic would cause the 'true actual' readings to be higher.
- b) Fully detailed explanations of the developer's proposed solutions to various Geotechnical! Drainage matters should have been available prior to this stage. These

are considered to be problems of significant concern in view of the known existing ground conditions:-

- i) The issue of springs and serious flooding which has been noted on Moorfield and Amberdene and documented in the past. Recently when excavations have taken place on the development sites currently under construction off the A632 similar occurrences have appeared.
- ii) The surface water attenuation ponds need to be proved to be adequate, functional, safe and discharges presumably into Bentley Brook and that Severn Trent Water (STW) approval has been granted.
- c) It is not clear at this time what consideration has been given to STW's buried Aqueduct. This 'key' matter, with quite serious ramifications, certainly should have had a fully detailed solution accepted by STW and Derbyshire County Council (DCC). It is suggested DCC may have to consider this matter in view of their requirements for the possible adoption of the estate roads and access.
- d) Gritstone Road is 232 metres above sea level. It is the first area where residents get snowed in, public transport has to stop and travelling on foot is hazardous but it is one of the last areas to be gritted by Derbyshire County Council. Even in good weather it is impossible for most people to walk up such a steep gradient from the town centre. These factors should be taken into account when quoting the distance from the centre.

The District Council is committed to the publication of an Authority Monitoring Report (AMR) in December each year. The purpose of the AMR is to show how the implementation of policies in the Local Plan is progressing. The Report will show that there have been new housing sites developed that are not in the Local Plan, but which ensure that the AON numbers will be more than achieved, so giving Derbyshire Dales District Council the chance to reject this application, as providing the Government's target number of houses was a large part of the reason for putting this unpopular, greenfield site into the Local Plan.

## 5.2 Local Highway Authority

### *Full Application*

The initial phase of development is seeking full planning consent for the construction of 75 No dwellings, from an extension of Gritstone Road - a proposed site layout is shown on drawing number P02 Rev R. The Highway Authority would look for the internal layout to be laid out in accordance with its approved design guide - the Delivering Streets and Places document, to ensure it is safe and may be considered for adoption as publicly maintainable highway should the applicant wish to pursue this option.

Having considered the drawing submitted there are some issues the applicant should consider, which can be summarised as follows:-

If Gritstone Road is extended into the new development Bentley Close will need to be formalised as a side road junction onto it (rather than the informal priority route it currently operates as at present). The scheme should therefore include designs for this element to ensure it will be acceptable and safe - the 'tie-in' detail is not particularly clear from drawing number P02 Rev R.

The junction (Bentley Close / Gritstone Road) should be shown with appropriate geometry and visibility sightlines. Gritstone Road and Pinewood Road are shown to be widened to 6m, however the details and over what extent the widening takes place is not particularly clear. The carriageway widening works should be provided prior to any development taking

place to ensure this is available from the outset, for construction activities as well as supporting the development proposals. This should be demonstrated on revised plans, including a possible extension of the application site boundary to ensure that this is included as part of the development proposals.

Vertical traffic calming features on new estate streets should be discouraged as a means of suppressing or regulating vehicle speeds. Whilst the treatment of junction areas can benefit from different types of surfacing material, to highlight their presence, they should remain flush with the surrounding carriageway levels.

Visibility splays at internal junctions and visibility around bends needs to fall within the street limits, and not part of any plot or other sub-division of the site. This will require the adjustment of plot boundaries associated with plots 9 & 44 to ensure the forward visibility is contained within the street. Appropriate visibility sightlines at internal junctions should also be annotated on the drawings.

Swept path analysis should be provided to ensure service / delivery vehicles and buses can use the streets and turning areas provided (the Manual for Streets document recommends a refuse vehicle 11.6m long should be used for analysis of the streets). The area will need to be capable of accommodating the manoeuvre for the design vehicle wholly within the street limits and not rely on the use of private land or drives to complete the manoeuvre. The swept paths of a bus / bus combination and bus / refuse vehicle combination should also be shown on the new link road, particularly at the bend fronting plot 9.

It would be beneficial if some long section and cross section information could be provided to support the application, given the challenging topography found on parts of the site, to ensure acceptable estate street gradients can be achieved.

A pedestrian link from the development is shown to Sandy Lane, however, some of the works required to make the connection appear to be outside the application site boundary. Please can the applicant clarify how this can be delivered?

### *Outline Application*

The remainder of the development - 340 No dwellings, A1/ A3/ A5 uses, construction of the link road and open space etc. - is in outline form with only means of access being considered at this stage. Whilst a master-plan drawing is provided to show how the scheme may be developed in the future, little weight is given to the layout at this stage and it is treated as being for information purposes only given the status of the application.

However, the site is quite challenging in terms of levels in parts and the proposed street will need to negotiate a natural valley in the landform - this will require an engineering solution to be found in order to create a satisfactory highway layout / street gradients etc. Whilst this part of the site is in outline form only consideration should be given to preliminary street levels and any associated structures or embankments that may be required, to ensure an acceptable street layout (in terms of levels, gradients etc.) can be achieved. Additional long section information should therefore be provided.

### *General comments*

The Wolds Road / Chesterfield Road junction is predicted as having a 269% and 645% increase in traffic movements in the morning and evening peak periods respectively.

As your Authority is aware Chesterfield Road is the predominant and very popular walking route for school children to Highfields School. The Wolds Road junction is already a wide junction for pedestrians to negotiate, but this operation would certainly be made more

difficult when combined with a significant increase in turning traffic movements / activity at the crossing desire line. The applicant appears to have dismissed the effect on pedestrian delay or amenity as being negligible or minor adverse; the Highway Authority do not share this view. Additional interventions to minimise the risk to pedestrians crossing at this location, or indeed the form of junction, will need to be considered further.

Visibility at the Sandy Lane / Chesterfield Road junction is constrained in the north easterly direction by the limited geometry available within existing highway limits. This junction provides an alternative route for vehicles from Gritstone Road, which may be more attractive for vehicles to use for northbound destinations or if any queuing traffic is experienced at the Wolds Road junction with Chesterfield Road. This could see this junction subject to a considerable increase in vehicle movements. The applicant should demonstrate, on an accurate topographical survey plan, the level of visibility available at this junction and what mitigation measures could be provided to offset any additional development related impact.

At present there are no clear vehicle priorities between Wolds Road and Gritstone Road. Given the anticipated vehicle flows from the new development, the Wolds Road route is likely to be the predominant vehicle movement. Consideration should therefore be given as to how this junction could be better laid out to deal with the likely priority movement.

The limitations associated with Cavendish Road are noted and in particular the effects this may have on the bus service (and for emergency vehicles). This is primarily due to the presence of considerable on street parking, which is prevalent for the majority of the day. Given a considerable number of properties along Cavendish Road do not have dedicated off street parking facilities within their curtilage this is a situation that will continue to exist post development. However, it may be possible to manage this in a better way than currently exists. This could take the form of sections of roadside parking restrictions to formalise vehicle passing opportunities at regular intervals along the route, which could be secured as part of the development proposals - it is appreciated that this would be subject to the introduction of a traffic regulation Order, which would require a formal consultation process with residents and the Police to be undertaken, the outcome of which could not be pre-empted at this stage - however the applicant could identify preliminary proposals and a funding stream for the County Council to undertake the process on their behalf.

The development proposals include shared pedestrian / cycle routes within the development itself, however, it is not clear how they integrate these facilities into the existing highway network, for trips that continue beyond the site. Further information should be provided in this respect.

The developer should also consider if further improvements to existing highway infrastructure could be provided to encourage more sustainable travel modes for future residents of the development. At present there is a pedestrian route between Wellington Close and Chesterfield Road, which could provide a convenient route to existing bus stops on the A632 - this could potentially benefit from some construction quality and lighting improvements to improve the environment for pedestrians. Further consideration should be given to reviewing pedestrian connectivity from the development to other key destinations, such as schools, shops etc. to see if any further pedestrian enhancements could be achieved.

The applicant has also shown a pedestrian link to Sandy Lane. This appears to be shown outside of the proposed application site boundary. If the development is encouraging pedestrian trips along this route consideration should be given to some quality improvements to safely accommodate any increase usage.

It is likely the bus route through the 'Cavendish' estate will need to be modified if it is to provide an extension through the new development (currently a looped route through the existing residential area). The direction of travel and the precise route will need to be given further consideration, together with swept path analysis for any variation to the route, to ensure it will be acceptable for bus use.

In its submitted form the Highway Authority would not be in a position to recommend a conditional response to the application, given the number of unknown quantities and flaws in the submitted material. However, the Authority remains open to considering additional analysis and design, which the applicant wishes to undertake.

### 5.3 Peak and Northern Footpaths Society

#### *Initial comments*

Such a large number of documents prove difficult to navigate, but I am encouraged by the statement in the Design and Access Statement that "There are no existing public rights of way through the site. The proposals should seek to make a connection to the existing public right of way network off Sandy Lane and through links on Hurker Rise and Far Cross south and downhill into the town." I have to trust that the planning officers will ensure that this aim is met, and that the off-site PROW to which the site is linked are improved to cope with the increased use they would receive from the development.

#### *Follow up comments*

I responded to this consultation on 24th November. It has now been drawn to my attention that there has been an application to the county council for the path from Bent Lane to Hurker Wood to be legally recognised as a public right of way. The effect of a proposed development on a public right of way is a material consideration in the determination of a planning application, and this includes the effect on paths which are rights of way that have not yet been formally recognised, as is the case for this path. I must now amend my response to this application by adding that the effect on all the public rights of way, currently legally recognised or not, across or near the application site must be considered before this application is determined. Your council says that it supports sustainable transport and informal recreation to promote health and well-being, and it is essential that the rights of way network is maintained to be safe, convenient and attractive for public use.

### 5.4 Derbyshire Dales Group of the Ramblers

On behalf of Ramblers' Derbyshire Dales Group I note that there are no RoWs within the site. A RoW FP runs on Sandy Lane at the NE edge of the proposed development before turning north. The FP, if used, would need to be kept open and accessible during construction and any change to the path surface put back to its original. It is positive to see that a pedestrian connection is to be made to Sandy Lane/FP, at point 8, 6.6 Plan 7, p.23. However, I note the site access road running parallel to Sandy Lane. Will this be hedged along the separating stone wall? It is important that this pedestrian access (point 8) remains open only to walkers and pedestrians and does not allow access for motorbikes, quad bikes or vehicles from the development.

### 5.5 Historic England

On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

### 5.6 Environment Agency

We have reviewed the submitted documents and the Environment Agency has no formal comment to make on this proposal. The site is located within flood zone 1 and there are no other constraints associated with the site which fall within our remit.

## 5.7 Natural England

No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected sites or landscapes.

## 5.8 Lead Local Flood Authority (DCC)

*Initial Comments:*

### Phase 1

The volumes of the attenuation feature and swale that serve phase 1 are restricted by the proposed layout, as such it is important, given that this is a full application, to ensure the volumes are correct prior to approval of the layout.

The outline drainage design shows that surface water flows from Zones E and F will be limited. to 20l/s. According to the storage volume estimate the flows from Zone D will be restricted to 5 l/s yet there is no indication as to how this will be achieved and Zone G is said to be unrestricted direct to the surface water sewer. The required storage is also based on 50% impermeable area for zones D and E, this could be seen as at the lower end of the scale for development, as this is a full application the impermeable may be given more accurately.

Whilst it is recognised that the surface water drainage system for phase 1 will be designed to accept flows from higher up in the catchment, in order to provide betterment to the proposed properties, including those off site, and given the above, it is unclear what the total discharge rate will be and if the attenuation is sized accordingly. In addition, it is unclear if a baseflow to account for the proposed filter drains has been considered as this may affect the required storage and discharge rate. Management of the 100mm land drain (potentially the 'Wolds Spring') should be carefully considered as this may also require factoring into the surface water drainage system.

### Phases 2, 3 and 4

Information has been provided to show Zone A will discharge surface water at 26.4 l/s, the 1 in 1 year greenfield runoff rate for this particular zone and that the attenuation required has been sized accordingly to attenuate up to the 1 in 100 year event (plus climate change), this will provide betterment during higher order events if delivered. It is also noted that water quality will be improved as low flow channels and a swale have been incorporated into the surface water drainage proposals. Information has been provided to demonstrate that surface water from Zone B (22.9 ha upstream catchment) will be managed through the site in a series of attenuation ponds sized to limit flows from this catchment to 125.7 l/s plus a baseflow of 50 l/s.

Whilst it is acknowledged that the time to concentration will be greater from Zone B this discharge rate is approximately the 1 in 200 year greenfield runoff rate, the applicant should demonstrate why a lower rate can't be achieved to provide betterment to downstream receptors.

In addition to the above and in line with NPPF (para 157 c) the applicant should 'use opportunities to reduce causes and impacts of flooding through Natural Flood Management (NFM)'. The applicant should seek to utilise appropriate NFM higher in the catchment (an example of this could be tree planting) to 'slow the flow' to provide further betterment downstream.

Across all phases the proposed discharge rate of surface water is shown as in excess of 246 l/s, it should be noted that the sewer capacity assessment was only tested to 200 l/s.

*Follow up comments:*

Phase one runoff rates as modelled are acceptable, as is the final discharge rate off site, when flows from higher in the catchment are also accounted for. All run-off rates are within tolerances of the initial modelled greenfield rate, and in line with DEFRA's Non-statutory technical standards.

A further sewer capacity assessment (as proposed by the applicant) should be undertaken prior to any further phases of the development being brought forward.

Phase two, three and four should be brought forward with the same principles applied to phase one with more detailed drainage designs, sewer capacity assessments and hydraulic models to reflect the stage of the application process relating to these subsequent phases.

The LLFA have no objection to planning application 18/01242/EIA and recommend conditions should the LPA recommend approval.

## 5.9 Force Designing Out Crime Officer

In respect of the outline part of the application, there are no objections to residential development in principle.

The southern boundary is very well connected to existing residential housing through a shared route along Pinewood Road, and pedestrian links through Hurker Rise and Far Cross, potentially over permeable.

The Hurker Rise connection would seem to be more linear and the better overlooked of the two. The Far Rise link is less so on the existing side, and on the proposed side would look to have the potential to be more enclosed and less well supervised. If both pedestrian routes are seen as essential for convenient circulation I would ask that they are both given an open aspect, adjacent housing provided with a space buffer and boundary definition from walkways, and that active principal elevation overlook the routes, when detail is formed.

In respect of the full application for 75 houses within phase one of the development site the layout suggested is acceptable. There are a few key corner plots which are noticeably weaker than most, those being the Etwall at plot 75, the Radbourne at plot 30 and the Wessington at plot 13, I'd recommend that these are substituted or treated as plots with dual primary outward looking elevations to maximise supervision of open space.

Plots 1-9,10 and 17 are provided with hit and miss wooden fencing for rear gardens backing on to open space. I understand that there is proposed to be supplementary planting to separate from the water main easement, but still question the logic of a lesser grade fence here for both reasons of both security and privacy.

Given the topography of the land there doesn't appear to be any great outlook from the house backs. If I'm incorrect and there is, perhaps a more robust treatment would be more suitable, such as a half close boarded half engineered trellis top would be, as there will

probably be public access and footpaths close by. Otherwise close boarded would be more appropriate.

Point 6.11.9 of the supporting design and access statement mentions that parking for private housing will be visible from the dwellings that they belong to (or be overlooked by others). Excepting one side of the Chater house types, no houses with side of plot driveways have any view of their drives from active rooms. I appreciate the balance of providing an outlook and practical internal layout, but as a view of private drives is a popular feature for resident reassurance, and in the case of this development stated as an aspiration, where possible I would advise that it should be provided by adding side windows to habitable ground floor rooms.

#### 5.10 Development Control Archaeologist (DCC)

The applicant has undertaken a lengthy process of pre-application consultation on archaeological issues.

Desk-based assessment, geophysical survey and field evaluation of the site has taken place and the results of these are adequately summarised within the ES. With regard to the setting of the Grade II Listed Wolds Farmhouse - immediately adjacent to the proposal site - the local planning authority should be guided by its conservation officer as to whether the conclusions of the ES and the suggested mitigation of impacts by a planting screen are appropriate.

In relation to below-ground archaeology the information submitted within the ES is sufficient against NPPF para 189 in terms of understanding significance and impact. The archaeological evaluation has identified evidence for charcoal production and lead smelting on the site. The below-ground elements of these processes only have survived (i.e. there are no above-ground earthworks or structures) in the form of pits, post-holes, fire-pits and flues, including what are interpreted as two 'bole-hill' type lead smelters.

These remains have been subject to radiocarbon dating; although this has been carried out on oak charcoal subject to the 'old wood' effect - i.e. that heartwood used to produce charcoal may already be several hundred years old by the time of harvesting and use. However, even bearing this in mind, the date range of smelting activity on the site spans the Iron Age/Romano-British period and the late Saxon-early medieval period. Such remains are regionally/nationally rare, although given the truncated nature of the site their value is primarily 'evidential' - in other words it is most fully realised through full excavation and recording with an appropriate range of scientific sampling and analysis, rather than by preservation in situ.

Historic Landscape Character does not appear to be discussed with the ES. Most of the site represents a phase of agricultural improvement that pre-dates the Matlock Enclosure Award of 1784. The fields are regular though with sinuous boundaries and a rather piecemeal arrangement that stands in contrast to the rather more regular and rectilinear Enclosure Award fields seen to north, west and east (and within the eastern part of the proposal site). This represents a process of agricultural 'intakes' and improvement dating from the post-medieval period (17<sup>th</sup> - 18<sup>th</sup> centuries) and probably associated with 'The Wolds' farmstead thought to have been established in the 17<sup>th</sup> century. It therefore captures a particular moment within the use and management of the moorland fringes above Matlock. This historic landscape is well- preserved with little or no field boundary loss and substantial drystone field boundary walls (albeit in varying states of preservation) with hedgerow trees. The historic landscape value of the site is perhaps best considered as a contributor to its overall landscape value (rather than as an 'undesigned heritage asset'), and as a contributor towards the setting/significance of the Grade II Listed Wolds Farmhouse as a well-preserved contemporary landholding. It is therefore important that the local planning



authority seeks some detailed landscape advice in relation to the site and the proposed development therein, and is guided by its conservation officer on the setting of the Listed Building which seems very much down played in the ES documents.

Should the local planning authority - in the light of its landscape and conservation advice - be minded to grant consent for these proposals I advise that the archaeological resource within the site is excavated and recorded as required at NPPF para 199. This should be secured through planning conditions requiring pre-commencement archaeological fieldwork to strip, excavate and record the relevant areas of archaeological interest identified by evaluation, to include appropriate sampling and analysis of the evidence for historic industrial processes within the site.

#### 5.11 Community Development and Well-being Office

After reviewing this application in the context of the District Council's adopted Built Sports Facilities, Playing Pitch and Open Space Strategy, the level of (off site) financial contribution sought towards providing for our strategic priorities in respect of Sport and Recreation is £324,390.00

In order to assist with a swift and successful delivery of the associated projects, it is preferred for this sum to be paid before occupation of the first market dwelling with a 10 year claw back.

#### 5.12 Conservation and Design Officer (DDDC)

The site falls into two parts – the eastern part of which full planning permission is being sought and the western part for which outline planning permission is being sought.

The entire development site lies outside the Matlock Bank Conservation Area and the land in question is open, agricultural land, primarily adjacent to a number of town expansion housing developments of the 1960s, 70s, 80s, 90s and 00s. Adjacent to the southern boundary of the western development site is 'Wolds Farm' which is a grade II listed building with attached & adjacent curtilage-listed buildings. The earliest part of the farmstead dates from 1634 (date plaque) and the group has later 18<sup>th</sup>, 19<sup>th</sup> & 20<sup>th</sup> century alterations and additions. Early maps (c. 1849) depict the farmstead occupying an isolated location on this land high above the town of Matlock. However, later 19<sup>th</sup>, and 20<sup>th</sup> century town expansion development has been built on land to the west and south of the farmstead. In this regard, whilst this development has had an impact on the original isolated setting of the farmstead the open land to its north, east and partially to the south has retained a sense of the former open & rural setting/context of the farm grouping.

The farmstead (known as The Wolds) was listed grade II in 1971. At the time of listing the records of the Local Planning Authority indicated the buildings now known as 'The Old Farmhouse', 'North Barn', East Cottage' and 'South Barn' were all in the same ownership and in that regard the farmhouse itself, being the principal listed building and the attached barns and the detached southern barn would all be deemed as curtilage-listed and come under the protection of the principal listed building. Residential conversion of the attached farm buildings to the farmhouse (now known as 'North Barn' & East Cottage') was granted in 1985 and granted approval in 2007 as independent residential dwellings. The conversion of the detached 'South Barn' to residential use was granted in 1978. Whilst ownership changes of the various buildings forming the original farmstead have occurred these have been *after* the date of listing (1971) and in that regard changes in ownership *after* listing do not change the status of the buildings being listed and curtilage-listed buildings/structures.

In terms of the current application, therefore, the status of the former Wolds farm is that the property now known as 'The Old Farmhouse' is the principal listed building and the

properties now known as 'North Barn', East Cottage' and 'South Barn' are all deemed curtilage-listed. As part of the 'outline' application for the western part of the proposed development site an indicative layout has been submitted but as the application for this part of the site is in 'outline' this layout or arrangement is only suggestive. However, it does purport to indicate a potential proposal for a run of new housing (& access roadway) in relatively close proximity to the eastern side of the designated heritage assets. To the northern side is a proposed narrow belt of trees adjacent to another access roadway.

The setting & context of the designated heritage assets is important. Whilst housing development has encroached on the western and southern side of the former farmstead grouping the, currently, open land to the north and east remains of particular importance to the setting and context of the assets. In this regard, whilst it is acknowledged that the submitted layout is only suggestive at this point, it is considered that the proposed proximity of the new housing and access road ways would seriously compromise the existing and surviving setting/context of the designated heritage assets. The, approved, Local Plan Policy (DS4) requires that in terms of the setting of the designated heritage assets that consideration should be given to 'the identification of appropriate mitigation measures as required'. The submitted, indicative, 'outline' scheme is not deemed appropriate in this regard. It is considered that as part of the consideration and assessment of the 'outline' planning application, for this part of the site, that visual/physical safeguards (via detailed assessment and analysis) are put in place to protect the surviving setting & context of the designated heritage assets. This protection is likely to require the imposition of a much larger landscape buffer to the north and eastern sides and the re-location of the proposed (suggestive) housing & access roadways to the eastern side to another location/position.

#### 5.13 Cllr Burfoot (comments contained in the Planning Policy at DCC response):

##### *1. Traffic impact and access*

The Matlock Traffic and Transportation Strategy and Action Plan 2017 reported 3 specific town 'bottlenecks' all of which would be impacted by yet more housing development on Matlock Bank, including the Crown Square roundabout.

In addition to the already congested routes through the town, most of the town's shops and services are in the town centre. I suggest that the cumulative effect of all this new housing would result in gridlock in and around Crown Square. No 'improvements' can mitigate the town centre traffic congestion without impacting on the local environment and pedestrian amenity of the area. Enhancement of the town centre was largely financed by Sainsbury's. We need to know what these 'improvements' might entail in detail.

The effect of nearly 700 new houses in the north west of the town will produce catastrophic effects on the town centre and Chesterfield Road, given that the key road junction in Crown Square has reached capacity. I assume DC Highways Engineers will check any calculations produced by the applicant.

I understand that a highly qualified retired Chartered Engineer has questioned the findings of the Transport Evidence Base Report of June 2016 commissioned by DCC and DDDC to such an extent that he believes the findings are flawed, misrepresented and not compliant with accepted Highway standards.

##### *Access*

The access points proposed to the site have significant constraints which I believe cannot be overcome. There is no direct access to the site apart from residential roads. The access via Gritstone Road/Wolds Road from the A632 is not of sufficient width and the visibility at the junction poor. Cavendish Road is very restricted especially for HGV's and the junction with Wellington Street is difficult. Both roads are unfit for current traffic flows.

## *2. Air pollution*

There are well founded fears that the huge increase in traffic flow will lead to unacceptable air pollution in the town centre. As Highway Authority can we check that monitoring locations meet the objective of being located where more members of the public will be exposed.

If it is the case that the monitors have not been located in accordance with stated objectives then will they be re-located to give more accurate and meaningful readings. I understand that Derbyshire Dales suffers from the highest carbon emissions per capita in the County. Predicted additional traffic movements during and following construction will further exacerbate emission levels.

There is a further issue with regard to the access to Castle View School (the normal area school), bearing in mind the additional 83 primary places required to meet the needs to the Gritstone Road development. Apparently this is a dead-end road, with residential parked cars and no facility for turning. As parents have a propensity to drive their children to school, this accessibility issue should be added to the list of issues to be considered.

## *3. Sustainable Transport*

Because of the topography of the town no mitigation is possible to reduce the huge number of extra car journeys to and from the town centre. The application will also drastically increase car commutes to Chesterfield etc., which is a further environmental problem.

## *4. Geology and Flood Risk*

The site itself and properties around the edge of the proposed development are often subject to significant flooding which has impacted on Matlock Bank. As a result of climate change higher rainfall is predicted in future so surface water seepage and run off will inevitably be increased.

The applicants do not appear to have taken account of the bedrock formations below the site and resulting unpredictable water emergence patterns. William Davis's consultants accept that the site is frequently waterlogged and that flooding is common. The site's geology is well described, but the developers fail to analyse the impact of the particular rock formations on water seepage and run off. I believe more detailed investigation of the underlying geology and its prevalence to groundwater problems should be carried out. That will show that any new residents will be vulnerable to flooding and groundwater problems.

## *5. Landscape*

Landscape and visual impact will be significant in terms of the Council's landscape strategy as it will destroy an area of attractive landscape above the existing development limits of the town and will be seen from many viewpoints, including from the Peak District National Park.

## *6. Education*

During the Local Plan discussions a statement from the Council insisted that a new Primary School would be required before the end of the Local Plan period in 2033, given that existing primary schools are near capacity and difficult to expand, as well as being inaccessible on foot and therefore unsustainable.

However no site has been selected as far as I know and allocated in the Local Plan and no suitable site is available given the recent approval of housing developments off Chesterfield Road.

However surely substantial S106 contributions for education purposes must be demanded from the developers should the application be approved. This is a very contentious application on a greenfield site which is unsustainable. If this application were approved the impact on the town would be long lasting and irreversible.

## 5.15 Derbyshire County Council's (DCC) Member and Officer Strategic Planning Policy Comments

Detailed strategic planning policy comments have been received from the County Council, which conclude the following:

It is considered that the planning application proposals could provide for a sustainable form of development in accordance with the policy requirements of the NPPF and the ADDLP. However, the assessment above has identified a range of issues and concerns that need to be addressed by the District Council in consultation with the applicant to ensure that the proposed development is truly sustainable and is compliant with the policies of the NPPF and ADDLP.

From a locational point of view, the application proposals would provide for a large sustainable urban extension to the north-eastern edge of the built-up urban area of Matlock, within the settlement framework boundary of Matlock defined in the ADDLP, for which there is a general presumption in favour of new development.

Matlock is a sustainable settlement with a good range of shops, services, facilities and employment opportunities and is defined as a First Tier Settlement in the ADDLP, which is the primary focus for housing and employment growth within the district. Although of a large-scale, the application proposals for 415 new homes would be in keeping with the scale, role and function of Matlock as a settlement.

From an accessibility point of view, Matlock has good transport links from a highways and public transport perspective, with the A6, A632 and A615 providing good highways access to a range of larger settlements in the wider area of Derbyshire, the East Midlands and South Yorkshire, where there are a wide range of shops, services and employment opportunities. Frequent bus and rail services in Matlock, similarly provide good accessibility to Chesterfield, Derby and other larger settlements in the wider area. The application site itself is located close to a main bus route on Chesterfield Road and details provided by the applicant indicate that the existing M1 bus service would be extended to serve the site directly with regular services provided throughout the day together with the provision of new bus stops. The application proposals would also include a local neighbourhood centre, which would provide a limited number of shops and service uses that would nevertheless help to reduce car journeys for residents of the scheme.

From a housing land supply perspective, the application site would provide for 415 new dwellings, which could contribute significantly to help meeting the district's overall housing requirement of 5,680 new dwellings over the plan period and some of the dwellings in phases 1 and 2 could contribute significantly to the District Council's 5 year housing land supply needs. Importantly, the principle of larger scale housing development has previously been established through the allocation of the site for 430 new dwellings in the ADDLP. Of particular importance, is that the application proposals would provide for 125 affordable housing units (30% of total), compliant with the requirements of the policies in the ADDLP.

In economic development and regeneration terms, the application proposals could generate beneficial impacts for the local economy through the creation of significant numbers of full-time equivalent construction jobs and generation of expenditure in the local supply chain; and through the generation of significant amounts of new household expenditure from the new residents of the scheme, which could be spent in the local economy and support existing shops and services within the town. In retail impact terms, the proposed neighbourhood centre would create additional jobs and would be of a modest scale which would be unlikely to have any significant impacts on -the vitality and viability of Matlock town centre.

All of the above are considered to be positive sustainability merits of the application proposals, compliant with the requirements of the NPPF and ADDLP. However, there are a number of concerns with the application proposals, which require further clarification and additional or supporting information and justification from the applicant and which the District Council is requested to address in consultation with the applicant.

From a landscape and visual impact point of view, the assessment above has highlighted concerns regarding the robustness of the applicant's analysis of the landscape and visual impacts of the proposed development, particularly that some of the effects on the landscape character and visual amenity of the locality have been under-estimated as part of the applicant's Environment Statement and the significance of these effects has been under assessed.

The detailed design of the scheme should be based on a fair assessment of the overall landscape sensitivities associated with the site and its surroundings. Although the site is not in a designated landscape there are sensitivities associated with landscape character, visual amenity and other environmental qualities that should be recognised and then used to inform the design of the site as part of an iterative process.

In terms of soils and soil disposal from the site as part of the development proposals, it is not clear from the applicant's assessment of this issue in the Environment Statement of where potentially re-usable soils in phase 1 of the construction programme are to be disposed of (either on or off site). As much of the excess re-usable soil generated from Phase 1 of the scheme should be re-used on the site either to create the development platforms for the housing units in Phase 1 or for potential re-use in the construction phases 2, 3 and 4. Reduction of the need to export surplus soils from the site could assist significantly in reducing the need for HGV movements to and from the site to export surplus materials.

In terms of infrastructure, there are two key strategic infrastructure issues associated with the proposed development - school place provision and highways infrastructure. In terms of school place provision, the County Council has provided comments to the District Council in its letter of 21 December 2018, which indicates that the normal area primary and secondary schools for the proposed development would not have sufficient capacity to accommodate all of the pupils that would be generated by the proposed housing development. The County Council has, therefore, requested developer contributions from the applicant to mitigate these capacity issues at the normal area schools by way of the provision of additional classroom and support accommodation.

In its response, the County Council has highlighted that if there is insufficient capacity to accommodate the increase in pupils forecast to be generated by this proposed development and the proposed development itself cannot enable the necessary provision, the County Council wishes to highlight that the proposed development may not provide for a sustainable form of development.

From a highway's perspective, Derbyshire County Council, as Highway Authority, has been consulted separately by the District Council for comments on the highways impact implications of the proposed development and will be responding in due course to the District Council.

The District Council is requested to address these outstanding issues above with the applicant prior to the determination of the planning application in order to ensure that the application proposals provide for a sustainable form of development in accordance with the requirements of the NPPF and ADDLP.

## 5.15 Planning Policy (Developer Contributions) (DCC)

### Education

#### *Primary Level*

The proposed development falls within and directly relates to the normal area of Castle View Primary School. The proposed development of 415 dwellings (less 18 no. 1 bedroom dwellings) would generate the need to provide for an additional 80 primary pupils.

Castle View Primary School has a net capacity for 151 pupils, with 112 pupils currently on roll. The number of pupils on roll is projected to increase during the next five years to 123.

An evaluation of recently approved residential developments of 11 or above units or over 1,000 square metres of floorspace within the normal area of Castle View Primary School shows new development totalling 146 dwellings, which would generate an additional 29 primary pupils.

Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area primary school would not have sufficient capacity to accommodate the 80 primary pupils arising from the proposed development.

#### *Secondary Level*

The proposed development falls within and directly relates to the normal area of Highfields School. The proposed development of 415 dwellings (less 18 no. 1 bedroom dwellings) would generate the need to provide for an additional 60 secondary and 24 post-16 pupils.

Highfields School has a net capacity for 1,392 pupils with 1,175 pupils currently on roll. The number of pupils on roll is projected to increase to 1,263 during the next five years.

An evaluation of recently approved residential developments of 11 or above units or over 1,000 square metres of floorspace within the normal area of Highfields School shows new development totalling 580 dwellings, which would result in demand for an additional 87 secondary and 35 post-16 pupils.

The above analysis indicates that there would be a need to mitigate the impact of the proposed development on school places in order to make the development acceptable in planning terms as the normal area primary and secondary schools would not have sufficient capacity to accommodate the 60 secondary and 24 post-16 pupils arising from the proposed development.

The County Council therefore requests financial contributions as follows:-

£1,295,011.20 for the provision of 80 primary places at Castle View Primary School towards Project A: additional classroom accommodation.

£2,098,383.48 for the provision of 60 secondary and 24 post-16 places at Highfields School towards Project B: creation of additional teaching and support space.

In their consultation comments, the County Council also advise that any new development should be served by a superfast broadband connection and request that an advisory note be attached to any planning permission that encourages the developer to make separate enquiries with broadband providers in order to ensure that future occupants have access to

sustainable communications infrastructure, and that appropriate thought is given to the choice and availability of providers which can offer high speed data connections.

#### 5.16 Derbyshire Wildlife Trust

We have reviewed the Biodiversity Chapter of the Environmental Statement, along with plans of the proposals. Detailed ecological survey and assessment work has been undertaken over a number of years and appears to be in accordance with standard guidelines.

The application area currently comprises pasture land, with hedgerows and stone walls and a wet flush which is associated with a low lying feature. Several small woodland blocks and a mature tree line fall outwith but immediately adjacent to site. Effort has been made to integrate green infrastructure within proposals, with a considerable area of green space in the north and centre of the development. This will include some of the existing hedgerows and trees and a modified wet corridor along the line of the flush. The offsite woodland and treeline are not directly affected but the built area is in very close proximity to these habitats. The proposed green space would retain habitat for foraging bat, amphibians and common bird species and other wildlife species. We have the following comments on the layout, landscaping and future management:

- we advise that the buffer between the built area and the western tree line should be greater to safeguard this confirmed commuting corridor for bats. Housing and a residential road are immediately adjacent and lighting is a concern. This should be properly buffered by a wider continuation of informal greenspace.
- care should be taken not to plant too many trees within wildflower areas, as these will add nutrients to the grassland, create shade and generally make mowing more difficult.
- given the size of the development and proposed green space/countryside park, we would seek to secure management in perpetuity to ensure that habitats created provide meaningful nature conservation benefits in the long-term

in addition to specific comments in relation to a protect species.

Whilst the incorporation of the open space/countryside park is welcomed, this area will be significantly altered from its existing state. The flush will be lost to create engineered attenuation basins, which will be far less suitable for breeding and sheltering birds, particularly species such as snipe and others affected by disturbance. Numerous footpaths are proposed throughout the park, along with a play area, and this area will be subject to disturbance from humans and domestic pets. It is essential that well designed landscape plans are submitted with the Reserved Matters application for this part of the application area. Wilder areas should be created with a focus on wildlife, not just recreation. Significant areas of wildflower grassland should be created and managed as tall sward grassland, with blocks of native berry-producing scrub in appropriate areas.

Notwithstanding our comments above, which should be addressed, conditions to secure a LEMP, CEMP and lighting strategy are recommended.

#### 5.17 Secretary of State

We have no comments to make on the Environmental Statement.

#### 5.18 Derbyshire Fire & Rescue Service

The Fire and Rescue Authority strongly recommend the Installation of a Domestic Sprinkler System in the proposed residential premises, however should you choose not to install a

Domestic Sprinkler System at this stage, the Fire and Rescue Authority would like to recommend that you provide a minimum 32mm water supply capable of delivering the required volumes which would allow an installation to be carried out easier and at less cost should this be proposed in the future.

#### 5.19 Severn Trent Water

The Derwent Valley Aqueduct (OVA) is one of the most strategic assets in the Severn Trent Water (STW) network, this information has already been communicated to the developer and due to its importance there will be more enhanced protection measures required including a 10 metre easement /protective strip on either side of the Aqueduct.

The developer will be required to follow specific precautions, conditions and requirements for works over and in close proximity of the Derwent Valley Aqueduct as communicated to them by Severn Trent Water to reduce the risk of any damage to the asset.

#### **Comments following amendments to the scheme in October 2019**

#### 5.20 Matlock Town Council:

Matlock Town Council wishes to register its continuing objection to the above planning application having noted the developer's latest submission of 'Additional Information' to the District Council.

The contents of this submission do not appear to provide much of the information requested by the County Council and little information of any material substance. It is extremely disconcerting that the present situation is clearly that the developer has yet to provide an acceptable proposal to the District Council and which also meets the requirements of the County Council.

Many key matters of principle are left unaddressed and many others are of significant concern which still remain as matters of material consideration. It is also of concern as there are indications that the length of time taken in discussions with the Developer in both pre-application submission and post application submission is now causing a degree of stress to a section of the residents who are also affected by this planning application.

Outlined below are some of the items on which Matlock Town Council still considers questions should be asked but remain unanswered. The headings are as follows:

- Increased traffic in the town centre and in the locality of the Development site.
- The proposal for modification of the Crown Square roundabout road layout.
- Damage by construction vehicles to Wolds Road/Gritstone Road.
- Use of Cavendish Road/Pinewood Road as an access for the development site.
- The link road crossing of the STW Derwent Aqueduct and the crossing of the natural valley on the development site.
- The uptake of usage of public transport interventions including cycling and walking, which are an unrealistic expectation for this site given the topography of the Town.
- Measures to ensure both existing and new residents are safeguarded against future flooding.
- Effective solutions to control the subsurface groundwater both during construction and after completion.
- Addressing the effects and solutions to deal with the as known material properties of the near surface 'soils'.
- Ensuring the attenuation ponds etc. within the areas of housing are made safe and health concerns are addressed.



- The use of drainage exceedance routes from the balancing ponds using existing routes (effects on existing residents).
- The actual control of the surface water run off contained in the balancing ponds.
- (as the above) - the same question but for the rainwater from the residential properties, waste water from residents.
- A clear statement of STW's acceptance that the discharges into their existing piped drainage system are agreed.
- The existing household water supply is capable of supplying this development, in addition to the A632 sites.
- The provision of the missing detailed drawings of the site normally provided (required) in a planning application.
- Environmental impacts including national and local landscaping issues need to be addressed as the site is of multiple environmental sensitivity.
- A clear statement the archaeological exploration will be implemented before any development work commences.
- The wildlife corridor provided by this site needs to be addressed and some provision should be incorporated.
- The needs of the statutory consultees providing medical facilities and educational facilities have been addressed.
- The revised measure of housing need (AON) now indicates a requirement much reduced
- provision to a level that would suggest the need for this development could be
- unnecessary.

Matlock Town Council has declared a climate and environmental emergency which is suggested the developer should also address.

#### 5.21 Local Highway Authority (DCC) 17<sup>th</sup> January 2020:

Further to the initial consultation response, the Local Highway Authority have now had the opportunity to consider the Supplementary Transport Assessment and Travel Plan documents and offer the following summarised comments:

##### *Supplementary Transport Assessment*

- Concerns regarding to the appropriateness of the trip data used is raised.
- The queue length comparisons, between modelled and observed data, appear to be considerably different, demonstrating that the models are not particularly well calibrated to match existing conditions.
- With regard to the Crown Square improvements the Local Highway Authority advise that irrespective of the lining proposed it is likely larger vehicles will need to 'straddle' both lanes in order to carry out any left turn or ahead manoeuvre and whilst 2 lanes would be available for cars (in the absence of HGV's and buses at the junction), the junction does to some degree already informally operate in this manner at present. They advise that this is therefore unlikely to offer any realistic or meaningful improvement to capacity at this particular location without reducing pavement widths, which, as previously highlighted, was unfavourable in planning terms.
- The Supplemental Transport Assessment considers 5% and 10% reductions in all traffic scenarios, which inevitably reduces the impacts of their residential development on the highway network, however, what is not clear is how these reductions can be achieved with any certainty (through s106 contributions or otherwise).
- There is a concern that the extension of the M1 bus service, into the new development, will only be provided prior to occupation of the 150th dwelling, once the link road has been provided - it is envisaged this could take up to 3 years, by which time new

residents travel behaviour will be established. It may therefore be difficult to achieve any targets set within the development's Travel Plan or achieve the benefits in area wide travel planning.

- The document reiterates that subsidy funding would be provided for the extended M1 service for a certain period of time, with an additional sum available, on demand, for a further 3 years of funding, should the Travel Plan targets not be met. However, there are no proposals or solutions offered as to what happens after this point, if the travel planning is unsuccessful. The Supplemental Transport Assessment also alludes to additional funding within a section 106 Agreement for new bus stops and additional infrastructure, however, again, no further details are provided and sums have not been quantified.
- The applicant has not offered any solutions as to how reducing general traffic flows through the area wide travel planning may be achieved or the level of funding that may be allocated for this purpose.
- Concerns are raised with regard to the adequacy of the visibility splay at the Bentley Close / Gritstone Road junction.
- Drawing number A091638-35-18-023 shows a priority improvement at the Wolds Road/Gritstone Road junction to clarify primary vehicle movements, this is something that is currently lacking. The same drawing also shows a modification to the eastern junction radius - to provide a 10m radius. This is categorised as a minor improvement to pedestrian crossing facilities and whilst it does physically reduce the crossing distance (less than 1 m) this would be almost imperceptible and certainly not sufficient to mitigate the significant potential for conflict between vehicles and school children / pedestrians crossing the junction, as a result of the development. The applicant should investigate alternative solutions, which could include relocation of the existing, or an additional, pedestrian crossing across the A632 / Wolds Road south of the Wolds Road junction, to limit the school children crossing movements across Wolds Road, or potentially signalisation of the Wolds Road I A632 junction (including pedestrian phases), in order to safely accommodate vehicle and pedestrian movements at this location (this would also potentially allow better management of peak hour traffic flows).
- The document also suggests that 90m visibility is available at the Sandy Lane / A632 junction, although to achieve this the sightline is drawn to the kerb-line on the opposite side of the road. The transport consultant will be well aware that this is not the recognised method of constructing visibility splays, which should be taken to the nearside carriageway edge or the nearside vehicle wheel-track. On this basis the available visibility at this junction is significantly reduced and the applicant will need to consider improvements or how development traffic could be restricted or prevented to use this junction, to avoid any development related intensification in use.
- The Supplemental Transport Assessment also alludes to the developer looking at providing additional funding streams, through the Section 106 Agreement for investigations into residents parking in the Cavendish Road area (in lieu of formal parking restrictions), improvements to the existing footpath route at the end of Wellington Close and improvements to the construction quality on Sandy Lane. This is all welcomed from a highways perspective, however, funding levels will need to be agreed in advance.

### *Travel Plan*

The Local Highway Authority express concerns regarding the timing of the link road and bus service provision, require that each dwelling is provided with adequate accessible cycle storage / parking to promote its use as far as possible and look at providing parking facilities at the trip end (town centre, bus station, train station etc.), so that users have safe and secure cycle parking available. They advise that given the steep gradients are likely to be a barrier for some sustainable travel modes i.e. walking and cycling and it is likely that local trips, which in distance terms would normally be walkable or cycle-able, may be undertaken

by the private motor car the Travel Plan must be robust in its planning, approach and implementation in order to counter this tendency. The Local Highway Authority suggest monitoring for each phase to ensure that targets are being met and bonds to help address any unmet targets.

In order to accurately monitor the movements associated with the site the Local Highway Authority advise that the applicant / developer should install permanent traffic monitoring stations at the entrance / exit points of the new development to inform the Travel Plan data collection.

### *Summary*

Whilst the submitted documents provide further information and clarification surrounding transport and travel planning matters, a number of issues still remain, which will need to be resolved / addressed prior to the application being determined.

#### 5.22 Historic England

On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

#### 5.23 Development Control Archaeologist (DCC)

Previous comments and recommended conditions in relation to archaeological remains on the site still apply. I note that the proposals incorporate revisions in relation to the setting of the Grade II Listed Wolds Farmhouse and recommend that you are further guided on this matter by your conservation officer and landscape/urban design advice.

#### 5.24 Housing Team (DDDC)

We understand the housing mix for Phase 1 is now:

4 x 2 bed roomed bungalows; 11 x 2 bed roomed houses; 6 x 3 bedroomed houses and 1 x 4 bedroomed house

The proposal is for 22 affordable out of 78 affordable homes, which does not quite provide 30% affordable housing provision on site.

- Adding 4 x 1 bedroomed houses (not flats) to the scheme by removing 2 of the 2 or 3 bed roomed houses would help to meet local need. This would also provide 30% affordable on the scheme (24 out of 80).
- We welcome the 4 bungalows on the scheme. These need to be M4(2) Wheelchair Adaptable at a minimum and must have level access. showers, which should be clearly indicated on the drawings.
- We want to ensure that housing has an input into the housing mix on the other phases on this scheme to ensure that the affordable homes are not '1 & 2 bed roomed terraced houses and 1 & 2 bedroomed apartments' which are referred to in the 'Housing mix, Implications on Urban Design and Landscape' document.
- The majority of the affordable housing appears to be on unadopted highway, which is not acceptable.
- Further thought needs to be given to the car parking for the affordable housing which is directly in front of the homes, which is in contrast to most of the private properties which have car parking at the side of the properties and or garages.

#### 5.25 Cllr Burfoot (comments contained in the Planning Policy at DCC response):

I would ask that my previous comments sent to you and then sent in a letter dated 18th April 2019 by Mike Ashworth to the Development Management at DDDC still stand. My comments in that response still stand and my concerns are still relevant. I would hope that my comments are published in full.

I did of course restrict my comments to those aspects of the planning application which are relevant to the response to be made to the District Council by the County Council.

I would add the following.

It is clear from the recent events in Matlock that flooding is a constant threat to the town. Heavy rain such as that experienced in the last few days has had real consequences. Climate change is real and the effect of building extra large numbers of houses on the site of the planning application can only increase the risk of flooding. Heavy rainfall now seems to be the norm. There is a real risk of flooding on and from this site where there is clear evidence of flooding already. The site is often waterlogged and there are huge numbers of springs on site. Current housing stock suffers flooding with many proven examples of flooding and waterlogged gardens.

Hard evidence has surely shown that the site is already susceptible to flooding from groundwater and run off. Therefore I would object to this application for a number of reasons. Those appertaining to the County Councils remit are as follows.

- Traffic impact and access. Traffic impact includes the impact of traffic on the whole town including
- Crown Square.
- Air pollution
- Flood risk
- Negative landscape and visual impact in terms of the County Councils landscape strategy.
- This site is identified as an EMAS by the County Council and thus has importance at County level
- as a valued landscape.
- Lack of sustainable transport
- Loss of a greenfield site.
- Negative impact on a heritage asset.

## 5.26 Planning Policy (Developer Contributions) (DCC)

### Education

#### *Primary Level*

An evaluation of recently approved residential developments of 11 or above units or over 1,000 square metres of floorspace within the normal area of Castle View Primary School shows new development totalling 146 dwellings, which would generate an additional 29 primary pupils.

Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area primary school would not have sufficient capacity to accommodate 8 of the 85 primary pupils arising from the proposed development.

#### *Secondary Level*

An evaluation of recently approved residential developments of 11 or above units or over 1,000 square metres of floorspace within the normal area of Highfields School shows new development totalling 713 dwellings, which would result in demand for 107 secondary and 43 post16 places. Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area secondary school would not have sufficient capacity to accommodate the 63 secondary and 25 post 16 pupils arising from the proposed development.

The County Council therefore requests financial contributions as follows:

£1,294,542.48 for the provision of 77 primary places at Castle View Primary School towards additional classroom accommodation.

£2,282,822.82 for the provision of 63 secondary and 25 post 16 places at Highfields School towards Project B: creation of additional teaching and support space.

The County Council reconfirm that new development should be served by a superfast broadband connection and recommend an advisory note to this effect.

## 5.27 Derbyshire Wildlife Trust

We have reviewed the revised plans in relation to the above application including:

- Illustrative Development Masterplan V20 10th September 2019 0707.070
- Landscaping Proposals Sheets 1-4 0707.09C September 2018

We note that there have been minor amendments to all of the above plans compared to the previous versions which mainly effects the proposed number of trees to be planted across the application site. We are not concerned with this reduction in tree numbers, or the other minor changes which have taken place. However, we are concerned that our previous comments have not resulted in any changes to the landscaping or masterplan.

In our previous response dated 3rd January 2019 (Our ref: DWTDAL622) we raised a number of concerns with the application layout, in relation to wildlife and in particular we highlighted:

- We advise that the buffer between the built area and the western tree line should be greater to safeguard this confirmed commuting corridor for bats. Housing and a residential road are immediately adjacent and lighting is a concern. This should be properly buffered by a wider continuation of informal greenspace.
- We advise that additional thorny native scrub planting around the edge of the woodland in the north-east may be beneficial to reduce human disturbance and retain habitat for wildlife.
- Care should be taken not to plant too many trees within wildflower areas, as these will add nutrients to the grassland, create shade and generally make mowing more difficult.

We do not see that these recommend changes have taken place, as the western buffer has not increased in size, there is no native scrub planting on the edge of the north-eastern adjacent woodland and although there is a reduction in the number of trees we cannot see any increase in any specific areas with no trees for wildflower planting.

Therefore, our previous comments for this application are still relevant for these amended plans and landscaping proposals. We strongly recommend that our previous comments are implemented into the development layout and our recommendations in relation to conditions for the CEMP, LEMP and lighting plan are secured through the planning system.

### 5.28 Natural England

No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

### 5.29 Lead Local Flood Authority

Following clarification from the developer that there would be no increase in impermeable area, the LLFA advised that they have no comments to make in addition to those already made.

### 5.30 Peak and Northern Footpaths Society

Welcome the proposed pedestrian access from the site on to Sandy Lane (FP3 Matlock). This path provides access to the open countryside and extensive footpath network north of Matlock. The surface of this path must be improved as necessary so that it is suitable for the greatly increased use which it would receive by the new residents of the development. The prevention of motorised vehicular access to the site via Sandy Lane is very welcome.

### 5.31 Derbyshire Dales Group of the Ramblers

With regard to the alterations to the development it would be hoped that any changes will continue to ensure that the RoW network can be easily accessed by both future residents and visitors.

### 5.32 Derbyshire Fire and Rescue Service

The following recommendations, whilst they may not be enforceable, are offered as general advice in the interests of greater fire safety.

The Fire and Rescue Authority strongly recommend the Installation of a Domestic Sprinkler System in the proposed premises, however should you choose not to install a Domestic Sprinkler System at this stage, the Fire and Rescue Authority would like to recommend that you provide a minimum 32mm water supply capable of delivering the required volumes which would allow an installation to be carried out easier and at less cost should this be proposed in the future.

### 5.33 Force Designing Out Crime Officer

The illustrative amendments for the outline portion of the site don't impact on my previous comments, so these comments stand.

In respect of the detailed portion of the site, and again prior comments, amendments to former plot 13, now 14 are fine. Former plot 30, now 31, remains unaltered, and former plot 75, now 78 is now a Findern type bungalow, which also has an untreated outward facing side elevation.

Other comments regarding boundaries and supervision of driveways have not been tackled, so comments' still stand.

### 5.34 Derby and Derbyshire Clinical Commissioning Group (now known as the Integrated Care Board):

Both practices in Matlock have recently had six facet surveys as part of the development of our Primary Care Estates Strategy, both sites were identified as fully utilised. The draft strategy while both sites have GIAs (Gross internal area) roughly in line with recommended levels, they are fully utilised and the planned housing developments present a challenge as both sites are constrained.

Both practices have considered extensions, but neither practice has been able to take a scheme forward. The draft strategy suggests that a feasibility study is needed to consider how the two practices will accommodate the planned population growth, a contribution from developers will certainly be needed to make this viable.

A figure of £163,572 had been identified as being reasonably related in scale and kind to the development being applied for prior to the submission of the application. This figure was, however, based on a lower build cost amount which was increased in 2019.

Based on our current formula we would calculate based on 0.08m<sup>2</sup> per patient and a build cost of £2,400 per m<sup>2</sup> build cost which comes to  $£423 \times 2.5 = 1058 \times 0.08 = 84.5 \times £2,400 =$  **£203,040.**

### **Comments under regulation 22 of the Environmental Impact Assessment Regulations (2011) following additional information received in respect of the Environmental Statement in May 2021**

#### 5.35 Matlock Town Council

Matlock Town Council initially raised its objection to this site in the consultation stage and stand by their comments made in the letter dated 22 January 2019. Matlock Town Council believes that this application should be refused, due to the many technical issues arising from the use of the proposed site for built development. Unless those issues are addressed, Matlock is likely to suffer greatly.

Further, if the development is approved, Matlock Town Council requests that Derbyshire Dales District Council ensure that the requested £106 contributions are made by the developer and that 30% of the housing is affordable.

Matlock Town Council also provided detailed comments on the following:

#### *Financial Viability Assessment*

The Town Council raise concerns that any watering down of affordable housing and S106 contributions will lead to a loss of amenity to the Matlock community including the new residents in the proposed development. This loss will be felt in the following ways:

- Loss of housing for people who work locally and are subject to the wage rates prevalent in the Derbyshire Dales, which make houses at market value unaffordable.
- Crowded schools or loss of school places in local schools leading to inferior education or a need for children to commute to more distant schools, rather than walk to their nearest school.
- Delays in obtaining medical treatment in local doctors' surgeries and the possibility that the nearest surgery for new patients is a car or bus ride away, making access for sick patients and those without transport difficult.
- More crowded sports and recreational facilities.
- Road delays through additional traffic without the necessary road modifications.

These are real losses to the local community that will endure until central government allocates additional funds for schools, doctors' surgeries, social housing and roads. The

minimum value of this S106 amenity is £4.535 million, the cost of providing the additional facilities and services. However, if not provided, the lost amenity is considerably more since the value of those facilities and services will be substantially greater than the cost of provision.

### *Environmental Impact Assessment*

Matlock Town Council question why the applicant is able to rely on the 2011 Environmental Impact Assessment Regulations, which is weaker in relation to sustainable development.

Request that independent assessment of the land drainage strategy is undertaken, given recent flooding issues and the adequacy of central valley attenuation ponds to hold the volumes of water required in a peak rainfall event. Advise that hard landscaping will exacerbate the volumes of surface water running off the site. Concerns are raised with regard to the safeguarding of the cascade of attenuation basins proposed in the central natural valley of the site.

The Town Council raises particular concern regarding the size of the proposed attenuation basin to the rear of Amberdene and the construction / appearance of the link road.

The Town Council advise that there does not appear to be any evidence regarding consultation with STW and a viability assessment that there is sufficient capacity in the existing infrastructure, external of the site to cope with the additional flows.

Matlock Town Council are concerned about a proposal to relocate the pedestrian crossing on Chesterfield Road, moving it closer to the Duke of Wellington. They also advise that air quality is a serious and more prominent issue and point to an increase in NO<sub>x</sub> levels in the Chesterfield Road area.

The Town Council comment that Wolds is a highly valued local landscape which has been assessed by DCC as an Area of Multiple Environmental Sensitivity and the County Archaeologist identifies the area as an important historic landscape with enclosure field patterns and an important group of listed buildings. They advise that important and nationally rare archaeology has been unearthed by preliminary excavations, as explained by the archaeologist in his response. Despite this, it is claimed by the applicants that it is an area of low sensitivity.

Reference is made to lead contamination in the viability assessment, but not in the Environmental Statement.

### *Residential Travel Plan*

In addition to detailed comments on the proposed measures to promote sustainable travel, Matlock Town Council conducted a survey to assess the impact of the travel plan and other measures proposed to reduce traffic in and around Matlock.

The main conclusions of this survey were as follows:

1. The proposed residential development will require the use of a car by nearly all trips to facilities in Matlock and elsewhere except on-site facilities, Cavendish Fields and Highfields School, because:
  - a. The hills within Matlock are too steep for walking with shopping and for cycling.
  - b. The proposed extension of the hourly local bus service to the site is not frequent enough for local trips or to tie into the bus and train timetables for travel to other towns and cities.



2. Therefore, with respect of transport services, the development is not in a location that will enable "sustainable" transport of people and goods and the applicant's proposals are not sufficient to make it sustainable.
3. Matlock Town Council requests that the LPA requires the applicant to provide funding for a half hourly bus service to the site, or preferably a service every ten minutes stopping at major amenities and facilities in Matlock including the bus stations and train station, Sainsburys and the centre of Matlock.
4. The modification of the carriageways and footpaths on access routes into the development site should take account of national guidelines and ensure safe use by pedestrians including those with pushchairs and the disabled.
5. It should also be remembered the decision to utilise any change from use of a car to a sustainable transport option is purely the decision of each individual. It is not in any way mandatory and therefore the magnitude of such changes cannot be guaranteed.

The Town Council advise that the survey indicates that far from a 5% to 10% reduction in car journeys as suggested the reduction in car journeys arising from a personal travel planning service would be 0.5% and the reduction in car journeys arising from all the measures would be 1.18%. They also advise that the survey indicates that slower car journeys would reduce car journeys by 0.4% through substitution by walking. Slower car journeys may arise by default given the additional traffic generated by the proposed developments in the Matlock area.

Whilst no raw data is provided, bar graphs of the findings are appended to the consultation comments to illustrate the above.

#### 5.36 Local Highway Authority (DCC) Response to the Applicant's Solicitor regarding Highway Related Developer Contributions

##### *Comments on S106*

The letter from gunnercooke in Table 4.1: Table of Section 106 Planning Obligation Requests do not contain all S106 obligations (advised below) which were agreed in a meeting dated 16th May 2019, with William Davis client team, DDDC officers and DCC highways officers.

1. Cavendish Road Parking: In the TA dated June 2019, WYG (now Tetra Tech Limited) stated that William Davis Ltd would be content to investigate further the introduction of a residents' parking scheme in the Cavendish Road area, and this could form part of an S 106 obligation for the development.
2. Wellington Close Footpath: It was agreed via TA that William Davis Ltd is content to provide funding through an S 106 obligation to improve the surfacing and lighting of the footpath link between Wellington Close and the A632 to improve the environment for pedestrians.
3. Sandy Lane Pedestrian Link: Likewise agreed S106 obligation for surfacing works along Sandy Lane between the proposed site and Gritstone Road.
4. Area Wide Personal Travel Planning: In order to reduce traffic flows to benefit the operating capacity, it was recommended in the TA that Area Wide Personal Travel Planning measures will be introduced. William Davis Ltd has confirmed a commitment to provide funding towards this scheme as part of an S106 obligation. in Table 4.1: Table

of Section 106 Planning Obligation Requests, two contributions have been identified for bus passes, i.e. the first contribution of £63,450 and 2<sup>nd</sup> contribution of £66,750, hence a total of 130,200. However, the DCC Sustainable Travel Section has undertaken a detailed and up to date assessment and advised a contribution of 508,560 (calculation attached). The Area Wide Personal Travel Planning contribution therefore needs to be consulted and agreed with the applicant.

5. Bus Subsidy Funding: In Residential Travel Plan June, M1 bus service extensions/improvements contribution of £305,000 was proposed to secure through an S106 obligation in agreement with DCC. This contribution has also been referenced in Table 4.1: Table of Section 106 Planning Obligation. It has been agreed with DCC that funding would be provided by the developers of the Site to support the extension of the M1 service through the Proposed Development for the first five years of operation. It has also been stated that an additional bus subsidy fund of £105,000 will also be set aside to provide a further three years of funding support for the bus service, should the Travel Plan targets for the development not be met. Therefore the total funding agreed was in the TA, and TP is £410,000. The consultation undertaken with the DCC Public Transport officer has suggested that £305k is just not going to be enough to get the service started. Therefore a total funding of £410k be required straight away rather than waiting for 5 years for the additional £105k because the service won't last long without more money to begin with. This upfront cost of £410k needs to be agreed upon with the applicant. It should be appreciated that undertaking an updated bus costs will be higher than what has previously been agreed 4 years ago. Therefore DCC's position is that £410k needs to be provided as an upfront cost for bus service in the future, which would allow a Council to have sufficient funding to continue to fund the extension of service.

We also need to query which pedestrian crossing (Phase 1) has been referenced in Table 4.1: Table of Section 106 Planning Obligation (Pg2), which requires a £50,000 contribution.

#### *Junctions Mitigation/ Improvements*

Regarding junctions' mitigations, DCC Highway Authority is happy to advise planning conditions. The works as referenced in the TA are advised below.

- A632/Wolds Road Junction & Wolds Road/Gritstone Road Junction as per WYG drawing no: A091638-35-1á-023 Rev A (Condition/278 will be advised in DCC Highway final response).
- Gritstone Road/Pinewood Road widening as per WYG drawing noA091658-1-35-12-003 Rev A(Condition/278 will be advised in DCC Highway final response).
- Gritstone Road/Bentley Close junction as per Drawing A091658-1-35-1.2- 1003 Rev, 8 (Condition/278 will be advised in DCC Highway final response). I
- New signal controlled crossing on A632 to the south of Wolds Road as per Drawing A091658-1-35-18- 023 Rev A (Condition/278 will be advised in DCC Highway final response).
- A632/Sandy Lane junction to improve visibility as per Drawing no. A091638-35-18-022 (Condition/278 will be advised in DCC Highway final response). '

#### 5.37 Lead Local Flood Authority

The additional information included as an addendum of the environmental statement has been previously reviewed by the LLFA, therefore please refer to our previous comments and recommendations to you on the 15th September 2020 (see consultation comments from the Lead Local Flood Authority and Environment Agency that were received after the flood event in the town in November 2019 – pg. 55 of this report)

In further consultation comments, following receipt of the follow up comments from Severn Trent Water on 21<sup>st</sup> January 2022, the LLFA commented as follows:

The LLFA recommends a holding objection for the reasons set out below:

Further information has been received from Severn Trent Water (STW) following sewer capacity work commissioned by them, it concluded that the public surface water sewer network can accommodate the below:

1. An attenuated surface water discharge of 20 l/s to the public surface water sewer at Gritstone Road.
2. An attenuated surface water discharge of 45 l/s to the public surface water sewer at Cavendish Road.

STW also indicated that they will not accept flows from outside the development site into the public surface water sewer.

To date, current proposed surface water discharges exceed the rates advised as acceptable by STW, and flows from outside the catchment are proposed to be formally directed to the surface sewer network. Therefore, notwithstanding previous comments by the Lead Local Flood Authority (LLFA), we are recommending an objection on the proposed development until such a time that the applicant and STW can reach an agreement regarding an acceptable means of disposal of surface water to the public surface water sewer.

#### 5.38 Severn Trent Water

Foul is proposed to connect into the public' foul water sewer, which will be subject to a formal section 106 sewer connection approval.

Surface water is proposed to connect into the public surface water sewer, which will be subject to a formal section 106 sewer connection approval.

The development was assessed previously in 2015, since then the size of the site has increased.

The foul flow should not pose an issue so long as it drains via gravity, the surface water should be limited to greenfield runoff rate and surface water proposals .from the wider site would need to be assessed following confirmation of 'the onsite storage arrangement and final discharge rate.

Due to the size of the overall development a sewer modelling study will be required for the whole site to determine the impact this development will have on the existing system and what flows can be accommodated.

Severn Trent may need to undertake a more comprehensive study of the catchment to determine if capital improvements are required. If Severn Trent needs to undertake capital improvements, a reasonable amount of time will need to be determined to allow these works to be completed before any additional flows are connected.

If a pumped solution is being proposed for discharge from any part of the overall site, a sewer modelling assessment may be required to determine what impact the generated flows from this site will have on the network and to determine the maximum pump rate that could be accommodated within the existing network without worsening the existing sewer performance in rainfall events.

Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal 'hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse that is available as an alternative other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered.

For the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991.

Advisory footnotes are recommended relating to the building over of sewers and water mains.

In follow up comments received on the 21<sup>st</sup> January 2022 the Asset Protection Manager and Asset Strategy and Planning Chief Engineer for STW confirmed that the latest modelling results are now complete and the conclusion is that our network can accommodate the following with a low risk of flooding:

1. An attenuated surface water discharge of 20 l/s to the public surface water sewer at Gritstone Road.
2. An attenuated surface water discharge of 45 l/s to the public surface water sewer at Cavendish Road.

This was substantially less than the capacity indicated in the sewer capacity assessment undertaken on behalf of STW, commissioned by the applicant and which underpinned their land drainage strategy for the site.

#### 5.39 Natural England

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

#### 5.40 Derbyshire Wildlife Trust

We do not consider that the development in its current form is able to comply with national and local planning policies relating to the protection and enhancement of Biodiversity.

The Trusts main grounds for objection are as follows:

##### *Loss of Habitats of Principal Importance*

The development will result in the loss of an estimated 0.7 ha of Lowland Dry Acid Grassland. There is disagreement over the extent of this habitat within the site, but there is agreement with the applicant that the habitat is present. In addition, up to around 1.2 ha of Purple Moor-grass and Rush-pasture habitat will also be destroyed. These habitats are recognised as UK BAP Priority Habitat types and are listed as Habitats of Principal Importance on Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. We note that within Defra's Biodiversity Metric 3.0 any loss of these habitats is unacceptable requiring bespoke compensation.

We understand that the valley within which these habitats occur will be used for the relocation of contaminated soils removed from other parts of the site as well as the construction of a series of flood attenuation basins to serve both the development and to slow water flows more generally.

The engineering work required to achieve this and the subsequent re-profiling of the valley leaves little opportunity for the retention of these habitats in situ.

Creating acid grassland and rush-pasture habitats within the remodelled valley is likely to be very challenging and the current plans do not provide sufficient confidence that addressing the loss of these habitats is achievable. Evidence for the feasibility of the current proposals is lacking especially in relation to an understanding of soils and hydrology. The opportunity for creating rush-pasture looks very limited due to the nature of the proposed drainage basins. The loss of these Habitats of Principle Importance (Priority habitats) would be contrary to the aims Policy PD3 of the Local Plan.

### *Biodiversity Loss*

The development will result in the loss of an estimated 19.5 ha of species poor grassland as well as the habitats identified above and other smaller areas of habitats within the site. It is clear that addressing these losses within the footprint of the proposed development site is not possible and there is a requirement for significant off-site compensation through habitat creation and/or enhancement in order to demonstrate that opportunities for measurable net gain for biodiversity have been pursued in accordance with paragraph 179b of the NPPF (Defra, July 2021) and to comply fully with Policy PD3 in the Local Plan. It is essential when assessing biodiversity losses and gains to adhere to the Good Practice Principles that underpin the BNG framework (CIRIA, 2016; British Standard 8683, 2021). The first principle is that the mitigation hierarchy must be followed i.e. avoid>mitigate>compensate in that order. The second is that unacceptable impacts should be avoided. Currently, it is difficult to see how the proposals can fulfil these principles.

### *Other concerns*

In addition to the above the Trust has concerns relating to impacts on the wider ecological network and species impacts. The land within the development site lies between the existing residential curtilage of Matlock and the 'Matlock Forest' area to the north. This landscape includes several Local Wildlife Sites and numerous Habitats of Principal Importance and is important for the maintenance and recovery of biodiversity in this area. The Derbyshire Dales Ecological Network included in the Local Plan identifies parts of this landscape as core components of that network.

The acid grassland and rush-pasture should also be viewed as a core element of the network as they have now been confirmed as Habitats of Principal Importance.

The floristic and structural diversity of the acid grassland and rush-pasture as well as other nearby habitats will be helping to support populations of invertebrates, reptiles, birds and mammals in the wider landscape. Some of the species known to be using the site include Species of Principal Importance such as common lizard, brown hare, hedgehog, reed bunting, bullfinch, house sparrow, dunnock and linnets as well as the possibility of several bat species and insects such as small heath butterfly, which is commonly associated with acid grasslands and is known to occur a few hundred metres to the north. There are at least 18 species of moth recorded close to the site that are in decline.

Whilst the above-mentioned species and others may not all be abundant at the site they will, to varying degrees, be using the site through the year for foraging, dispersal and movement or breeding and nesting. The loss of the habitats on site will undoubtedly have an adverse

impact on many of these species. At present a strategy for mitigating and compensating for impacts on these species has not been presented.

Importantly the site also offers a buffer between housing to the south and the designated Local Wildlife Sites of Matlock Moor and Matlock Forest to the north, reducing the effect of noise, light, pets, public disturbance etc. on the habitats and species present. Whilst the proposed country park would maintain some level of buffer, it would likely be subject to higher levels of disturbance from the public. With more housing, domestic pets are also likely to increase in number and proximity to the designated sites, potentially causing an adverse impact on species such as reptiles and birds. Policy PD3 aims to protect and enhance locally designated sites and ecological networks and this aspect should be considered when determining this application.

#### 5.41 Historic England

On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

#### 5.42 Peak and Northern Footpaths Society

I am sorry but this application is too complex for me to comment about. I trust that the planning officers will be able to assess the effects of the development on public rights of way and pedestrian access, since these are material considerations in the determination of planning applications.

#### 5.43 Derbyshire Dales Group of the Ramblers

Ramblers Derbyshire Dales Group has no objection providing that:

- i) Matlock Fp.3 which runs along Sandy Lane remains unaffected at all times, both during and after any development
- ii) A DMMO claim for a bridleway has been submitted along Bent Lane to Hurker Wood. This route should remain unaffected at all times, both during and after any development.

I made a site visit walking as close to the perimeter of the development as possible, using the Access Land, RoWs and highways of the existing houses. I spoke to one local resident who was against the development. I would request that the following points are considered:

- a) An additional exit point from the first phase development be created to FP3/Sandy Lane nearer to the Gritstone Road end. This would be in addition to the Pedestrian connection on p.23 point 8. The plan shows landscaping along the boundary of Sandy Lane.
- b) An exit point for pedestrians be created to Bent Lane from the corner of the Country Park area.
- c) The Green Link route be extended directly through the two fields to connect with the Access Land and Goodwin's Wood
- d) The development has few access points, and those proposed are through existing suburban housing. Further sustainable travel access points and routes should be created outside of the development.

#### 5.44 Force Designing Out Crime Officer

There are no significant amended details which relate to my previous comments.

The full portion of the application has added three plots by substituting house types, but layout and most detail aren't altered. The majority of revised detail relates to environmental and infrastructure matters for subsequent phases, and not crime or disorder. Consequently I've nothing to add to my two previous consultation responses.

#### 5.45 Development Control Archaeologist (DCC)

I advise that our substantive advice and recommended conditions of 14/12/2018 and 12/11/2019 is still relevant and request that you are guided by these comments.

#### 5.46 Derbyshire County Council (DCC) officer strategic planning policy comments

Derbyshire County Council submitted extensive strategic planning policy comments on the original planning application on 16th April 2019 (as attached). The updated information that has been submitted in respect of the Environment Statement for the amended planning application scheme has been assessed in the context of the County Council's comments submitted on 16th April 2019.

Further comments are provided below, therefore, on the Revised Landscape Proposals for Phase 1 and proposed amendments to the level of affordable housing provision for the scheme as a whole.

#### Revised Landscape Proposals for Phase 1

Overall it is considered that the majority of landscape and urban design issues identified at the time of the original submission by the County Council remain relevant and outstanding and the proposed revised scheme makes only fairly modest amendments. As previously highlighted in the County Council landscape and visual impact comments in the response of 16th April 2019, the proposed site is a sensitive greenfield location and the phase 1 area in particular is poorly conceived and makes little response to site context and local distinctiveness. On that basis, the County Council has no further comments to add to those previously made.

#### Affordable Housing Provision

In its comments made to the District Council on 16th April 2019, Derbyshire County Council highlighted that due to the large scale of the application proposals, it was important that the proposed housing development incorporated a significant proportion of affordable housing in accordance with the requirements of paragraphs 59 and 61 of the (then) NPPF and Policy H4 of the Adopted Derbyshire Dales Local Plan, which specifically requires all residential developments over 11 dwellings to provide 30% of the net dwellings as affordable housing or where the provision of affordable housing is below this requirement, the District Council will require applicants to provide evidence by way of a financial appraisal to justify a reduced level of provision. Derbyshire County Council noted that in this respect, details provided in Section 4 of the applicant's previous

Environment Statement indicated that the application proposals would make provision for 125 affordable housing units, equivalent to 30% of the overall total of 415 units. The County Council considered that this was in accordance with the requirements of Policy H4 of the Adopted Local Plan and would contribute significantly to the District's affordable housing requirements over the Plan period.

In the context of the above, it is noted that a detailed financial viability assessment of the proposed development has been submitted by the applicant that has been carried out by Highgate Land and Development. On the basis of the financial viability assessment, it is understood from the applicant's supporting covering letter that the applicant now considers that the Scheme will not be able to support a fully policy compliant level of affordable housing provision but, as a worst case, it is assumed that some 15% affordable housing could be

provided on Site. This would equate to some 12 affordable residential units on Phase 1 and 52 residential units on Phases 2, 3 and 4. Derbyshire County Council considers that the proposed significant reduction in affordable housing from 125 units as previously proposed to 64 units as proposed in the revised scheme is disappointing, given the important need for more affordable housing in both the District as a whole and in the settlement of Matlock in particular. Derbyshire County Council would, therefore, urge the District Council to be fully satisfied with the robustness of the applicant's viability assessment to justify the significant reduction in affordable housing prior to the determination of the application, if necessary through further independent evaluation.

#### 5.47 Housing Team (DDDC)

Our previous comments remain unchanged. I would however add that despite previous attempts to engage with William Davis, it has been difficult to enter into early discussions about the type and tenure of the proposed 125 affordable homes. This scheme represents a significant contribution to the affordable housing programme over the next few years and so we would welcome the opportunity to work with William Davis, local housing associations and Adult Care at Derbyshire County Council in order to secure the best long-term provision of affordable housing.

#### 5.48 Environment Agency

The development is situated in flood zone 1 and therefore the matters of surface water will be reviewed by the Lead Local Flood Authority (LLFA).

The Environment Agency previously attended a joint meeting on the 20th January 2020 with Derbyshire Dales District Council (DDDC) and Derbyshire County Council in their role as the Lead Local Flood Authority (LLFA) to discuss flooding matters within Matlock. We subsequently sent a letter to these authorities on the 4th February 2020 summarising the discussions that took place. Part of our response highlighted the development at Gritstone Road and asked that the LLFA asked the developer to provide further information to show the development was not going to provide an increase in flows into the Bentley Brook.

The LLFA have now confirmed that the developer provided further information that reassured the LLFA that there were no additional flows entering into the Bentley Brook.

The LLFA provided a response to Derbyshire Dales on the 15th September 2020 which confirmed that they were satisfied with the additional information that the developer provided to them and that it would not cause an increase in flows into the Bentley Brook.

We would highlight that other authorities such as the lead local flood authority and Severn Trent should be consulted on matters that fall within their remit and responsibilities.

#### 5.49 Cllr Wain

Comments received in respect of the inclusion of a bridleway from Bent Lane to Hurker Woods and the need to consider the impact on the amenity of the users of this new route. Concern that such a large expanse of land could be approved for outline development, with no real control over how it will be developed taking account of the potentially insurmountable issues (including the amenity value of the bridleway) such development will encounter also raised.

The Local Planning Authority has been copied in on correspondence to the Lead Local Flood Authority raising concerns that there will be greater discharge of surface water into the Asker Lane infrastructure and questioning whether any diversion of the surface water from this existing development site has diverted or disconnected flows along Asker Lane, thereby



compounding flooding in this area. Cllr Wain has also requested in separate correspondence that the developer utilises the most appropriate iteration of the Flood Estimation Handbook (FEH) when undertaking any modelling updates.

Correspondence has been received relating to the flows to the Bentley Brook from the development site via STW infrastructure and the impact this will have on the Scheduled Monument, Lumsdale Conservation Area and the at capacity pumping station at Knowleston Place. Clarification was also sought on why the Arkwright Society, the Peak District National Park Authority and the businesses adjacent to Bentley Brook had not been consulted on the application.

In further representations received Cllr Wain has commented that it is very disappointing that a large developer has indicated that they will not be able to support a fully policy compliant level affordable housing. 15% is not considered to be acceptable.

Detailed representations which mirror the concerns raised by Matlock Town Council and ask a series of follow up questions have also been received. With regard to STW infrastructure, Cllr Wain advises that there does not appear to be any evidence of consultation with STW regarding a viability assessment that there is sufficient capacity in the existing infrastructure, external of the site to cope with the additional flows.

Cllr Wain has raised concerns with the location of the pedestrian crossing planned, closer to what is considered a very busy Duke of Wellington Road junction on Chesterfield Road and requested that the case officer clarify that it will be delivered and ascertain its exact location prior to any building being undertaken and to provide a statement which will reassure residents and parents of local school children. In further correspondence Cllr Wain asked the same questions and requested that the case officer also gives an assurance that this site will be robustly assessed and a current comprehensive equality impact assessment completed examining the needs of the young people walking to and from school.

In correspondence dated 24<sup>th</sup> March, Cllr Wain directed the case officer to representations made by Mrs Atkin regarding underlying geology (following comments made by the Development Control Archaeologist) and the need to consider the presence of underground water and the full hydrological and geological assessment.

#### 5.50 Cllr Hughes

I would like to note my full agreement with this response from Matlock Town Council which I have attached. I fear that if the questions raised are not answered, the planning committee will not have all the information that it needs to make a decision on this application.

The proposed development will have a major impact on the Matlock environment. It is important that all the technical issues identified are resolved before a decision is made on the application.

Recent experience suggests that a thoroughly researched design is essential. It is not sufficient to rely on conditions placed on the developer. Such conditions cannot resolve major faults with a design that may arise without such thorough research. The work done by Matlock Town Council, the Flood Warden, and others suggests that the developer has not even now fully understood the issues associated with this site.

The viability assessment carried out by the developer suggests that the scheme is not viable and therefore cannot carry the 30% level of affordable housing that the Local Plan sets as a goal. This is a big disappointment because the shortfall cannot be made up by other schemes given the lack of affordable housing planned on other major developments around Matlock. We need houses that local people can afford, compatible with their wages and

salaries. I am concerned that the development will largely provide homes for people who work elsewhere and that this will mean additional commuting and extra traffic. That is hardly sustainable and will leave local people with a housing shortfall that will have to be made up elsewhere.

The position of the site itself, which means that a climb up from the centre of Matlock is like climbing Thorpe Cloud both in height and steepness, means that walking and cycling are not options for all but leisure trips to the centre. Shopping, school trips and so on will lead to extra car use. The proposed bus route changes are too minor to make a difference to bus use. Therefore, a comprehensive approach is adopted to public transport with a far more frequent bus service than the developer envisages to ensure sustainability.

Finally, Matlock residents including the new ones who will live in the proposed development, deserve not to lose amenity through lack of sufficient classrooms, doctors' surgeries and so on. If the 5106 contributions are foregone there will be loss of amenity value totalling over £4.5m to the Matlock community whereas the landowner will receive a windfall capital gain from its existing use value greater than this amount. That does seem unfair to the community.

#### 5.51 Environmental Health (DDDC)

The Environmental Health Team considered the planning application and subject to the recommendations of the Air Quality Assessment being implemented by condition it has no objections to this application.

A consultation with Derbyshire County Council for relevant traffic figures identify a static real time monitoring point is based on Chesterfield Road adjacent to Matlock Golf club. In 2019 (pre-covid levels) there were on average 8423 vehicle movements per day. This includes 4.2% HGV traffic. Worst case increase in the assessment has indicated 224 additional vehicles.

This has been screened against the screening tools in Table 7.1 of Local Air Quality Management Technical Guidance (TG16) and does not trigger any of the criteria for monitoring even with the additional flows. This indicates that the National Air Quality Objectives would not be breached.

In addition, we have established an additional tube in the vicinity of the development in June 2021. The new tube now on Wolds Road was established last summer, however, has moved location a couple of times in the intervening period, due to operational issues and therefore has only limited data available as yet. However, it is currently showing monthly levels well within Air Quality Objective levels and in the main below 20ug/m<sup>3</sup>. The Air Quality Objective level is below 40ug/m<sup>3</sup>.

The tube calibration factor for 2021 is 0.84 published by Defra. <https://lagm.defra.gov.uk/air-quality/air-quality-assessment/national-bias/>

The submitted report has also assessed that at all existing receptors the impact of the development is likely to be negligible, in the operational phase. A number of mitigation measures are suggested in the construction phases and it is recommended these are required by condition.

We looked at the modelling assessment and noted that for verification purposes 3 passive diffusion tubes have been used for verification purposes. The Chesterfield Road tube for the purposes of 2019 had limited data as it was only placed mid-year. Whilst not the only tube used a discussion of the limitations would be appreciated.

That said, the results were within preferable limits as per box 7.17 of TG16 and the correlation coefficient was 1.00 which is the most desirable figure as per box 7.20 in TG16.

Recommended additional conditions:

- The provision of charging points for electric vehicles, domestic and public points (especially if there are terraced houses with on street parking) and as a minimum the provision of the cabling put in place at the time of construction.
- Home quality mark for domestic heating systems, ensuring the most efficient and the scheme defines best practice standards for home heating.
- Cycling infrastructure and sustainable transport provide a guide entitled "making space for cycling"
- Use of green infrastructure - trees and shrubs to absorb pollutants – this could maybe be attached to the landscaping scheme
- Travel plan
- The construction phase mitigation methods specified in the Air Quality assessment for particulates and Nitrogen oxides be imposed.
- The recommended air pollution monitoring regime proposed is agreed with the Local Planning Authority.
- Construction hours are limited to 8am - 6pm Monday to Friday and 8am - 1 pm Saturdays. No working Sundays and Bank Holidays

**Comments under regulation 22 of the Environmental Impact Assessment Regulations (2011) following additional information received in respect of the Environmental Statement in June 2023**

5.52 Matlock Town Council:

Matlock Town Council notes the significant changes that the Developer has made to its approach to managing water and has prepared this further submission to provide an assessment of the revised proposals. Nevertheless, MTC recommends REFUSAL of this planning application on the grounds that there is a substantial risk of irreparable harm to the public from water runoff and flooding. This risk arises from:

- An inadequate and inconclusive hydrological assessment of the site, the hills above the site and the water courses proposed to be used to carry water from the site or diverted around the site by the Developer; the poor quality of the assessment means that the proposed mitigation cannot be relied upon to safeguard the town against flooding incidents caused by the development;
- The Flood Authorities evident incomplete knowledge of the hydrology of the site, the hills above the site and the water courses proposed to be used to carry water from the site or diverted around the site, means that it cannot assess the application and cannot advise the Developer on conditions or the adequacy or otherwise of its proposals; we have provided evidence of the impact of this incomplete knowledge;
- The incomplete specification of the proposed mitigation for the site hydrology and sewage, which means that Phases 2, 3 and 4 will be agreed in principle before development is shown to be feasible; thus, the safety of Phases 3 and 4 and the potential for harm to the Matlock community has not been comprehensively assessed; this puts Matlock and its community at risk;
- The evident risk of flooding downstream of the site due to the channelling of water from the site and water diverted around the site into a drainage system that is known to be defective and which is believed to be resulting in flooding of properties in Matlock already.
- The risk associated with a series of earth dams constructed to create attenuation ponds above existing housing with no detailed engineering design specification to demonstrate

their safety; it is our understanding that it has been left to the Community to identify the need for these to be assessed by a Panel Engineer.

- The requirement for continued management of the attenuation ponds to ensure that they are safe by a property management company; such management will require qualified engineers to survey the dams periodically to ensure their continued safety; there is no consideration of this requirement in the submission from the Developer;
- The past history of development on the slopes below Matlock Moor which demonstrates the harm that arises from such inadequate assessment and incomplete knowledge. The proposed development represents an unacceptable and unquantified risk to Matlock, especially those properties immediately downstream, and therefore fails to meet the requirement of the NPPF S.176 (also NPPF2018 S.163 and NPPF2012 2.103) which states "When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere ... [and] d) any residual risk can be safely managed." The Applicant has failed to demonstrate that this requirement is met by the application.
- In recommending refusal, we highlight here the important role that residents have played in determining the hydrological conditions giving rise to the need for revisions to the application. In doing so, we note that the work done by residents was to a higher quality than that done by the Developer or by the Flood Authority. Indeed, the Flood Authority, the Developer and Severn Trent have had to rely on the residents supported by the Flood Warden for their current understanding of the site and its difficulties. THEREFORE, NEITHER THE DEVELOPER'S CONSULTANTS NOR THE FLOOD AUTHORITY'S OPINIONS SHOULD BE ALLOWED TO TAKE PRECEDENT OVER THE OPINIONS AND LOCAL KNOWLEDGE OF THE RESIDENTS REGARDING THE HYDROLOGY OF THE SITE OR ITS IMPACT ON MATLOCK AND ITS COMMUNITY. In MTC's opinion, the assessments undertaken by the Developer have been demonstrated to be of poor quality and should not be relied upon, and the assessments made by the Flood Authority have been demonstrated to be incomplete. Should this application go to appeal, MTC REQUIRES the Planning Authority to inform the Planning Inspectorate of the poor quality of the developer's submissions on hydrology and the poor quality of the support given by the Flood Authority in assessing the site and the need to rely on the superior work carried out by residents.

Detailed comments in relation to the above matters and the implications of the development on flooding in and around the Town and hydrological issues are also provided.

It is also recommended that the application be refused for the following non hydrological reasons, with detailed comments on each reason provided:

- The development is alien to the Derbyshire Dales Characteristics. It does not protect the Derbyshire Dales Character.
- Access to the development
- The location is not sustainable in relation to accessibility and transport
- Biodiversity impacts

#### 5.53 Local Highway Authority (DCC) 31/08/2023:

Following consideration of walking trips and proposed relocation of controlled crossing, A632 / Wolds Road, pedestrian access points, bicycle access, public transport, travel planning, vehicle impacts, A615 / Bank Road / Snitterton Road, A632/A615/Church Street, area wide travel plan intervention, sandy lane improvement and internal layout considerations the Highway Authority concludes that this applicant would not result in a severe impact, nor would it have an unacceptable impact on Highway Safety, as such it is not in conflict with the National Planning Policy Framework or the adopted Local Plan.

Whilst it is noted that many local concerns have been raised about additional traffic associated with the development, it is not always practical or desirable in line with the aims of carbon reduction to provide additional peak hour capacity at junctions on the local road network. Where existing and future road users choose to make a peak hour trip by vehicular mode, there must be expectation that such a trip will be subject to some queuing and delay.

In this instance, the development proposals do not result in an impact on the local highway network that would be considered “severe” and would also be mitigated by the interventions proposed. Mindful of all the above, there are no grounds to warrant a transport reason for refusal of this application.

Consequently, the Local Highway Authority raises no objection to the proposals subject to the imposition of conditions and planning obligations.

*In a follow up letter dated 18<sup>th</sup> January 2024, the following comments were received:*

As part of the draft transport strategy for the site, it was originally proposed to relocate the existing signal-controlled pedestrian crossing on Chesterfield Road (A632), to the south of the junction with Wolds Road. A new section of footway was also to be provided along the south-eastern side of the road, to connect the relocated crossing to existing access of Highfields School.

When this transport intervention was originally put forward, it was acknowledged that it would provide some benefit for existing pupils who no longer need to cross Wolds Road. It would also provide a minor improvement to the operation of the junction since this would no longer be subject to a pedestrian flow across it in the morning peak hour.

However, on review of the transport strategy for the development, the Local Highway Authority also noted that the merits of moving the crossing were finely balanced and there would be disbenefits in relocating the crossing. These included the current location being the optimum for forward visibility to the brow. The current location of the crossing is also more convenient for pedestrian trips by existing residents on Wolds Road and environs, together with future occupiers of the site.

It was therefore concluded that relocating the crossing was not required to make the development acceptable as it would not significantly improve, or reduce, conditions for pedestrians in the vicinity. Whilst the above remains relevant, during the interim, further consultation has taken place with local stakeholders together with various site visits to observe the operation of the crossing and vehicle flows in the vicinity.

Based on the additional information received from ongoing discussions and on-site observation, it is apparent that the main benefit to crossing users walking to and from the south would be during the construction phase. Whilst the construction phase of development is not normally considered to be appropriate to be used as a basis for making permanent changes to transport infrastructure, in this instance, it is acknowledged that there would also be some modest long-term benefit in removing the pedestrian flow from Wolds Road.

Relocating the crossing is also proposed as part of the residential travel plan recently submitted in connection with the proposals, together with other supporting information previously submitted on behalf of the developer. It is also supported as part of recent stakeholder engagement on the matter, although it is also noted that some stakeholders continue to be opposed to its relocation.

Mindful of all the above, the Local Highway concludes that in addition to conditions and obligations set out in the dated 31 August 2023, it is recommended that:

*Prior to the commencement of the development, the developer should enter into a legal agreement under Section 278 of the Highways Act 1980 to relocate the pedestrian crossing on Chesterfield Road (A632) from its current location on the north-western side of the junction with Wolds Road, to the south-western side of the junction, together with the provision of a section of new footway along the south-eastern side of Chesterfield Road, between the relocated crossing point and the entrance to Highfields School.*

*The new location of the crossing would be to a position to be agreed with the Local Highway Authority, but as generally shown on drawing number Drawing A091658-1-35- 18- 023 Rev and in line with proposals set out in the residential travel plan for the site. The reason for this is in the interests of promoting active travel in the vicinity of the site.*

All other planning obligations and recommended conditions would remain as set out in the previous response dated 31 August 2023.

#### 5.54 Darley Dale Town Council

Object for the following reasons:

Derbyshire Dales District Council (DDDC) and the developer conducted an updated viability study in early 2022 which concluded that in order to get the developer his 20% margin both the number of affordable properties and the section monies would be drastically reduced.

If we rerun the numbers based on the three increases in bank rate plus inflation running at circa 9% with increased interest and building costs this would see the affordable housing reduced to only 10 properties and the section monies reduced to less than a third of that included in the 2022 report to allow a margin of 20% to be maintained. This would mean a development of 300 plus properties of which only 10 would be affordable housing.

The fundamental issues of surface run off, drainage and sewage management has not been fully addressed by the developer nor Severn Trent, a major reason for the proposal being previously rejected.

A development of this size would have a serious knock-on effect on Darley Dale with the infrastructure in Matlock and Darley Dale already under extreme pressure. An additional 350 homes would see a likely increase of approximately 700 vehicles (not including service/delivery vehicles) using the already congested Chesterfield Rd in and out of Matlock and A6 which already suffers from major queueing at peak times together with surrounding streets.

We need to protect the fields on this site as it would also risk development spreading the very short distance into Farley, within the Darley Dale boundary. DDTTC feels that these fields should never have been allowed to be included in the Neighbourhood plan and should be removed as soon as possible.

In order to meet this high number of houses it can only come at the expense of the environment. If this development were to be rejected where would it go? Darley Dale already has a number of major developments in progress with more planned. Currently all developments within the Derbyshire Dales are taking place outside of the Peak National Park even though 58% of the area of the Derbyshire Dales falls within the park boundaries. Alternative development sites within the Peak National Park boundaries must be explored.

#### 5.55 Active Travel England

Active Travel England (ATE) has no comment to make on this consultation as its statutory consultee remit applies only to qualifying consultations that were made valid by the local planning authority on or after 1st June 2023.

#### 5.56 Historic England

We do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

#### 5.57 Development Control Archaeologist (DCC)

The applicant has undertaken a lengthy process of pre-application consultation on archaeological issues.

Desk-based assessment, geophysical survey and field evaluation of the site has taken place and the results of these are adequately summarised within the ES.

With regard to the setting of the Grade II Listed Wolds Farmhouse - immediately adjacent to the proposal site - the local planning authority should be guided by its conservation officer.

In relation to below-ground archaeology the information submitted within the ES is sufficient against NPPF para 194 in terms of understanding significance and impact. The archaeological evaluation has identified evidence for charcoal production and lead smelting on the site. The below-ground elements of these processes only have survived (Le. there are no above-ground earthworks or structures) in the form of pits, post-holes, fire-pits and flues, including what are interpreted as two 'bole-hill' type lead smelters. These remains have been subject to radiocarbon dating; although this has been carried out on oak charcoal subject to the 'old wood' effect - Le. that heartwood used to produce charcoal may already be several hundred years old by the time of harvesting and use. However, even bearing this in mind, the date range of smelting activity on the site spans the Iron Age/Romano-British period and the late Saxon-early medieval period. Such remains are regionally/nationally rare, although given the truncated nature of the site their value is primarily 'evidential' - in other words it is most fully realised through full excavation and recording with an appropriate range of scientific sampling and analysis, rather than by preservation in situ.

Historic Landscape Character does not appear to be discussed with the ES. Most of the site represents a phase of agricultural improvement that pre-dates the Matlock Enclosure Award of 1784. The fields are regular though with sinuous boundaries and a rather piecemeal arrangement that stands in contrast to the rather more regular and rectilinear Enclosure Award fields seen to north, west and east (and within the eastern part of the proposal site). This represents a process of agricultural 'intakes' and improvement dating from the post-medieval period (17th-18th centuries) and probably associated with 'The Wolds' farmstead thought to have been established in the 17th century. It therefore captures a particular moment within the use and management of the moorland fringes above Matlock. This historic landscape is well-preserved with little or no field boundary loss and substantial drystone field boundary walls (albeit in varying states of preservation) with hedgerow trees. The historic landscape value of the site is perhaps best considered as a contributor to its overall landscape value (rather than as an 'undesigned heritage asset'), and as a contributor towards the setting/significance of the Grade II Listed Wolds Farmhouse as a well-preserved contemporary landholding. It is therefore important that the local planning authority seeks some detailed landscape advice in relation to the site and the proposed development therein, and is guided by its conservation officer on the setting of the Listed Building which seems very much down played in the ES documents.

Should the local planning authority - in the light of its landscape and conservation advice - be minded to grant consent for these proposals I advise that the archaeological resource

within the site is excavated and recorded as required at NPPF para 205. This should be secured through planning conditions requiring pre- commencement archaeological fieldwork to strip, excavate and record the relevant areas of archaeological interest identified by evaluation, to include appropriate sampling and analysis of the evidence for historic industrial processes within the site. A comprehensive condition is recommended to cover the above.

#### 5.58 Peak and Northern Footpaths Society

No comments except to welcome the proposed footpath links and to hope that the new footpaths on the site will be adopted or public rights secured by means of s25 Highways Act 1980 creation agreements.

#### 5.59 Derbyshire Dales Group of the Ramblers

Ramblers Derbyshire Dales Group makes a holding objection to this additional application for 345 houses:

- i) The proposed development appears to extend into the Access Land including that of Hurker Wood. DCC Place (Countryside) Dept. should be consulted for any change to Access Land
- ii) More detailed plans are needed showing the extent of the 345 houses and any road network
- iii) Matlock FP 3 runs along the adjacent Sandy Lane. This FP should remain unaffected at all times, including the route surface, both during and after any development
- iv) There is a Right of Way claim along Bent Lane adjacent to the site boundary. This FP should remain unaffected at all times, including the route surface, both during and after any development
- v) Consideration should be given to the safety of members of the public using the Right of Way during the proposed works
- vi) Any encroachment of the route would need consultation and permission with/from the DCC Rights of Way Team

#### 5.60 Lead Local Flood Authority

##### *Initial Comments:*

We have given further consideration to the collective potential volume of the attenuation basins (top two ponds are 12740 m<sup>3</sup> and the lower two 5626 m<sup>3</sup>) and that whilst the basins wouldn't meet the threshold of the Reservoirs Act, they are impounding water above an existing residential area therefore we feel we should consult further with panel engineer as the risk from exceedance represents a further unquantified constraint to the current proposals.

##### *Follow up comments received 10<sup>th</sup> August 2023:*

Whilst there is no statutory requirement to, we have sought the advice of a specialist engineer regarding the attenuation basins and the risk they could pose due to the potential volume following the increase in volume of surface water they are proposed to be managing. The basins are individually below 10000 m<sup>3</sup> and therefore not subject to the Reservoirs Act, however, cumulatively their volume is 18366 m<sup>3</sup> in cascade, and whilst this is still below the 25000 m<sup>3</sup> threshold it is between 10000 m<sup>3</sup> and 25000 m<sup>3</sup> which under the Flood and Water Management Act 2010 the regulation of such is currently under review with government minded to regulate (George Eustice, 20<sup>th</sup> July 2022, UIN HCWS246, <https://www.parliament.uk/written-statements/detail/2022-07-20/hcws246>).



With the above in mind and the risk of the potential volume of surface water being stored above current residents and property being unknown, a preliminary risk assessment of the ponds, considering extreme events in excess of design events based on hydrology and hydrogeology studies, should be completed. Other considerations should be the breach potential and downstream consequence and impact on life, critical infrastructure and property. A preliminary risk assessment will allow the LLFA to define a proportionate response and potential recommendation.

*Comments received on the 22<sup>nd</sup> September 2023:*

Derbyshire County Council as the Lead Local Flood Authority (LLFA) has reviewed the information submitted for this application, which was received on 29/06/2023. The LLFA has no objection subject to conditions and advisory footnotes.

#### 5.61 Environment Agency

We have no further comment to make in addition to those already supplied on 27th May 2021.

#### 5.62 Natural England

Natural England has previously commented on this proposal and made comments to the authority in our response dated 22/10/2019, reference number 298431

The advice provided in our previous response applies equally to this amendment. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

#### 5.63 Cllr Burfoot (comments contained in the Planning Policy at DCC response):

As a member of the planning committee at DDDC I do not feel it is appropriate for me at this stage to give a view.

I trust that all issues relating to this application will be investigated and reported in full to include flood risk, highway implications, infrastructure, pressure on services etc.

#### 5.64 Planning Policy (Developer Contributions) (DCC)

##### Education

##### *Primary Level*

An evaluation of recently approved major residential developments within the normal area of Castle View Primary School shows new development totalling 122 dwellings, amounting to an additional 29 primary pupils.

Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area primary school would not have sufficient capacity to accommodate the 44 infant and 58 junior pupils arising from the proposed development.

##### *Secondary Level*

An evaluation of recently approved major residential developments within the normal area of Highfields School shows new development totalling 172 dwellings, amounting to an additional 119 secondary including 119 post16 pupils.

Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area secondary school would not have sufficient capacity to accommodate the 119 secondary including post 16 pupils arising from the proposed development.

### *SEND*

A contribution towards SEND infrastructure will be requested for developments of 100 dwellings or more. The request for a contribution towards Special Educational Needs and Disability (SEND) provision is not subject to an analysis of capacity within a given geographical area, i.e. the locality within which the development is located. Rates of all types of SEND are increasing and special schools and Enhanced Resource School (ERS) units generally operate at or above capacity to avoid pupils being placed out of County.

The pattern of provision across the County often involves pupils travelling a significant distance in order to access the most appropriate place to suit their needs. It is therefore not appropriate or possible to assess capacity against the need for places generated by any given development within any specific locality.

The proposed development for 432 dwellings x 0.7/100 = 3.02 pupil places.

The County Council therefore requests financial contributions as follows:

£1,294,542.48 for the provision of 77 primary places at Castle View Primary School towards additional classroom accommodation.

£2,282,822.82 for the provision of 63 secondary and 25 post 16 places at Highfields School towards Project B: creation of additional teaching and support space.

The County Council reconfirm that new development should be served by a superfast broadband connection and recommend an advisory note to this effect.

- £2,012,159.10 towards the provision of 44 infant and 58 junior places at Castle View Primary School + Education Facilities
- 3,622,692.01 towards the provision of 119 secondary places at Highfields School + Education Facilities.
- £334,244.02 towards SEND places.

The Planning Policy Team also recommend an advisory footnote in relation to superfast broadband and a contribution of £29,780 towards library services and monitoring costs.

#### 5.65 Force Designing Out Crime Officer

The minor housing and attenuation revisions proposed for phase 1 don't require comment.

The wider infrastructure and policy revisions don't impact upon matters of crime and disorder, consequently I've nothing to add to our previous consultation responses.

#### 5.66 Derbyshire Fire and Rescue Service

The Fire and Rescue Authority cannot consider the application until detail of access for the fire brigade to the buildings have been submitted.

#### 5.67 Cllr Wain

Cllr Wain has copied the Local Planning Authority in on an assessment of the drainage (foul and surface water) serving Tree Tops development off Asker Lane, which identified a Public Health Risk and requests that flows from this application entering this part of the network are considered.

#### 5.68 Derbyshire Wildlife Trust

*Comments received 23<sup>rd</sup> August 2023:*

Our main concerns are as follows:

- It seems feasible to exclude the top part of the valley from any direct impacts and retain the existing grassland and mire habitats in situ. This area is shown on Figure 1 above. If this is possible this area should be treated separately to the rest of the site in terms of the Country Park proposal. Ideally it should be fenced to allow the continuation of grazing by cattle according to a management regime to be agreed.
- The translocation of the rush-pasture / mire vegetation requires bespoke compensation. I would expect to see at least the same area of mire habitat restored post development and the condition of the habitat enhanced. The current plans are to re-establish the habitats within the attenuation ponds, but I'm not convinced that this is going to work due to the variation in levels within each of the ponds. The cross sections provided in Appendix 3 of the Grassland Translocation Method Statement indicate that for several of the ponds the mire habitat will be confined to a narrow strip around the edge of the pond. Cross sections for several ponds are not provided but are likely to be similar. The area available for successful establishment of mire is potentially smaller than the area that needs to be translocated.
- The translocation of grasslands needs to ensure that the low nutrient status of the grassland is retained and that the current range of low nutrient indicator plant species (common bird's-foot-trefoil, harebell, tormentil, mouse-ear hawkweed, bitter-vetch, barren strawberry and fine-leaved grasses) are re-established. Restoration of these grasslands should also be undertaken to try and move them towards more species rich grassland types.

*Comments received 27<sup>th</sup> October 2023:*

The latest comments and information on ecological aspects of the development have been reviewed in the context of the wider ecological assessment of the site and the mitigation and compensation proposals.

Confirmation that the grassland and rush pasture/mire habitats at the top of the valley (north-west field) will not be directly impacted by the SUDS works is welcomed. The removal of proposed soil remediation in this field also seems possible and would further reduce impacts.

The proposed bespoke compensation for the impacts on rush pasture and lowland meadow is subject to risk due to uncertainties around timing for lifting and storage of grassland. The translocation works will be affected by any problems encountered in relation to the construction of the flood alleviation scheme including the balancing or attenuation ponds and any complications arising from the soil remediation works. Any opportunity to limit soil remediation would be beneficial in this respect, especially in the north-west field. Given the risks there will need to be regular monitoring and an agreed mechanism for remedial action

should the targets for these habitats not be attained either in terms of area, composition, or condition. Clearly there will be some leeway around this depending on the wider biodiversity value of the wetlands created, but the bespoke compensation for the rush pasture and meadow will still need to be successful and sustainable.

Regarding impacts on protected species, and species of conservation concern mitigation will need to be provided in detail within a Construction Environmental Management Plan (CEMP). Separate documents will be required relating to the Outline and Full elements of the application.

Similarly, the mitigation and compensation proposals will need to be set out in detail within Biodiversity Enhancement and Management Plans for the Phase 1 and the Phase 2 – 4 8 applications. The Council should secure the delivery of the compensation scheme including the bespoke compensation and the creation and long-term management of the Country Park and any other areas to be managed for biodiversity through a legal agreement (such as a S106) that ensures the proposals are fully funded for a period of 30 years. Without such an agreement it may be difficult to ensure that the long-term measures for biodiversity are sufficiently funded.

Conditions are advisory footnotes were recommended.

Comments received 15<sup>th</sup> March 2024 following review of the drainage report by JBA Consulting:

I have reviewed the independent assessment of flood risk and land drainage proposals prepared by JBA Consulting 1st February 2024. The issues and conclusions reached in this Technical Note have a significant bearing on the success or failure of translocation of Habitats of Principal Importance (Rush pastures and Lowland Meadow).

The Technical Note states that there has been no geotechnical evaluation of potential seepage around and beneath the basins and that this could be a significant issue affecting the flood alleviation basins requiring potential changes. The Technical Note concludes that further assessment is required to address shortfalls in the information provided for the flood alleviation basins. The results of further assessments could result in changes to the configuration, function or maintenance regimes for the basins which would have implications for the success of the proposed translocation strategy or require changes to the strategy.

The translocation strategy represents the bespoke compensation for these habitats agreed as part of the biodiversity net gain considerations and is a critical part of the ecological mitigation and compensation for the impacts at the site. The issues raised by JBA Consulting increase the risks associated with the translocation of these habitats and raise serious concerns around the deliverability of the strategy for rush pasture translocation and potentially also the lowland meadow translocation.

**In addition to the above, the following consultation Comments from the Lead Local Flood Authority and Environment Agency were received after the flood event in the town in November 2019:**

#### 5.69 Environment Agency

We have been made aware of a number of recent developments constructed, or in construction, within the Bentley Brook catchment that are situated in flood zone 1.

Discussions with the LPA and the LLFA confirmed that the Flood Risk Assessments (FRA) identified appropriate surface water arrangements, to store surface water drainage on site

and limit these developments to the equivalent greenfield runoff rates, to prevent an increase in flood risk downstream.

With regards to new development increasing flood risk at Knowleston Place pumping station, we support the conclusion from the LPA and LLFA that limiting flows to greenfield runoff rates will not increase flood risk at the pumping station. We recommended that the LPA and/or the LLFA confirm that the onsite surface water infrastructure has been constructed in line with their FRA's and detailed plans that were approved as part of these planning applications. We understand that these authorities will be looking into this recommendation.

Discussions were undertaken between the three authorities in relation to future development within the Bentley Brook catchment, in particular the proposed Gritstone Road development. The LLFA highlighted how the developer plans to manage surface water and groundwater on the site. Both the LPA and LLFA identified that a large amount of work had been done to assess flood risk, with a number of interventions designed to reduce flood risk to parts of Matlock.

It was however highlighted that further investigation is needed to understand whether the development would have a detrimental impact upon the Bentley Brook and the pumping station through the discharge of surface water directly to this watercourse.

We explained that we have no hydraulic modelling of the Bentley Brook and whilst modelling is proposed to be undertaken, final outputs are not expected until 2022/2023. It was agreed that the developer will be asked to assess the impacts of the proposed surface water and groundwater discharge to the Bentley Brook to confirm that there is no detrimental impact to third parties. This assessment will need to provide an understanding of the existing Bentley Brook Catchment and demonstrate that there is:

- A. no increase in flood risk to third parties, and
- B. no increase in burden to the existing flood risk infrastructure on this watercourse.

We are happy to support the LLFA in their review of any future assessment if they require specific information regarding the existing flood risk assets on the Bentley Brook, in particular Knowleston Place Pumping Station.

#### 5.70 Lead Local Flood Authority (DCC):

As LLFA and statutory consultee for major development with surface water implications, the County Council is satisfied with the developer's current proposals for the management of surface water, they are in line with current guidance and legislation.

However, new concerns have been raised by the Environment Agency (letter received 04/02/2020) which highlight that it is not known how surface water entering the surface water sewer from the proposed development will impact upon the flood risk from the Bentley Brook, as the final outfall is to the Bentley Brook.

In light of these new concerns the LLFA would recommend that the local Planning Authority seeks further information/evidence from the developer that demonstrates that the flood risk from the Bentley Brook will not increase once the proposed development is connected to the surface water sewer.

As these concerns are new and the LLFA did not assess the hybrid planning application when this new information was available, please put our current recommendations on hold until the above has been addressed.

Following receipt of a rebuttal statement and additional information from the applicant in September 2020 the LLFA confirmed that they had no objections and recommended conditions and advisory footnotes.

## 6. REPRESENTATIONS

Representations from 476 individual contributors including Matlock Civic Association, the Campaign to Protect Rural England, local ward members and the Climate Change Hub have been received, with a significant number writing in multiple times over the four phases of consultation. 462 contributors raise objections, 11 make comment and 1 supports the application. Of those objecting and making comments the following material considerations are raised:

### Principle

- Concerns around the compound effect of this proposal and previously approved applications on Matlock.
- Site should be removed from/ should never have been included in the Local Plan.
- The town is at the limit of its growth.
- The Council's own Officers recommended removal of the site from the Local Plan.
- Must not be approved until Section 72 of the NPPF is met.
- The council already has enough approved to meet its housing target needs- There is already 1000+ new homes in the area above the government quota.
- The LLFA was not consulted in the initial stages of work on the Local Plan.
- Brownfield sites are available within Matlock and should be developed first.
- Sites at lower levels are available for development.
- Objections to general disruption during construction.
- Where is the demand for housing of this type coming from, on top of the existing/ongoing developments?
- Where are the people to fill these houses when the new current developments are not even filled?
- Fails the Local Plan on the following grounds:
  - SO1: To protect and enhance the Green Infrastructure Network
  - SO2: To maintain, enhance and conserve the area's distinct landscape characteristics, biodiversity, and cultural and historic environment.
  - SO3: To ensure that design of new development is of high quality, promotes local distinctiveness and integrates effectively with its setting.
  - SO4: To protect and enhance the character, appearance and setting of the District's towns and villages.
  - SO5: To address, mitigate and adapt to the effects of climate change on people, wildlife and places.
  - SO12: To promote the efficient use of suitably located previously developed land and buildings whilst minimising the use of greenfield land.
  - SO14: Fails to meet the aims given the elevated position.
- The government has reduced the requirement for homes since the Local Plan was finalised, so this site is no longer required.
- Homes should be built close to available work and amenities to limit environmental damage.
- Concerns around the construction timeframe.
- Matlock Moor has had its quota of new housing.
- Previous applications for this site have been refused - Developers have been trying and failing to build on these sites since the early 1980s and have been refused, appealed, and refused again by the District Council.
- Previous refusals for the site on accessibility grounds.
- Previous application appeals refused by the Secretary of State.
- The site was included in the Local Plan as a 'buffer' to be used as a last resort.

- It will extend the defined settlement boundary.
- Costs to regenerate more appropriate, brownfield sites can never be more than the cost of losing our countryside.
- The design is out of keeping with the character of Matlock and the architectural design is lazy and uninspiring.
- 300 houses are already being built within walking distance of the proposed Wolds development.
- The number of objections shows that locals do not want this site developed.
- Opposed by local councillors.
- Due to its circumstances of Topography, Geology, Hydrology and Geotechnical properties, this area of land is problematic to utilise for housing.
- EIA application type is being used to avoid providing detail on material considerations.
- The site has had planning applications refused in the past, what has changed to make this land suitable?

*Additional Comments received after October 2019*

- Ongoing reliance on the outdated 2011 EIA regulations. The applicant should reapply in line with the EIA regulations 2017.
- This is such a complex site that granting Outline permission would be a high-risk decision.
- In 2015 Mike Hase wrote to the developer rejecting proposals to build less than half the number of houses, stating the land is not suitable for building on.
- Contradicts numerous sections of the NPPF.
- Why is this area being considered and for more than 3 times the housing capacity that the council previously rejected?
- Why are the Council prepared to go to such lengths to contract their own policies to ensure this site is developed?
- The applicant is unable to deal with the very complicated issues needing to be addressed to develop the site.
- The proposed Countryside Park has not been thought out and information on the maintenance and continued ownership of this has not been provided.
- 58% of the District is in the National Park so the Local Plan should be reviewed.
- The application should be examined by an independent planning inspector.
- The EIA type of application has been misleading.
- The site is more of a civil engineering project than a housing development.
- Concerns about the huge increase in population
- The application does not accord with the Development Plan.
- Concerns Matlock will become a soulless commuter town.
- The environmental impact is still uncertain and requires a more detailed explanation of what is actually proposed and how measures can be successfully utilised.
- The additional information submitted provides little substantive information, does not add any meaningful factual content and the information is inadequate.
- There are fundamental concerns that cannot be dealt with under this application. A full application should be submitted.
- The constraints of the site will require experienced specialised expertise in design and construction.
- The Developer will not supply information requested by the County Council (Highways and Lead Local Flood Authority) at this time.
- Lack of confidence in the Developer as he seems reluctant to provide the necessary information to resolve concerns.
- Civil engineering issues.
- There is no need to bulldoze this area of natural beauty whilst existing brownfield sites remain within the Local Plan.
- The 'local built character' described in the report is nothing like the rest of the town.

- We need to protect the culture, ethos and distinctive character of the town.
- The revised application adds an additional 8 properties to an already unwanted and unnecessary development.
- The delay in commencing on other permitted schemes in the area shows there is no immediate demand for housing.
- New documentation supplied does not address the issues/concerns raised and disagrees with several statutory consultees.
- Councillors seem unwilling to challenge senior government on the National Plan for new housing based on the best interests of Matlock.

*Additional Comments received after March 2021*

- William Davis is now backtracking on some of their promises since realising the enormous financial impact of developing such an unsuitable site.
- Overwhelming lack of support from residents.
- All developments should take place on feasible brown sites only.
- Matlock is the gateway to the Peak District National Park- please do not turn it into a concrete jungle.
- Too many greenfield sites have been built on in the last few years.
- This should be a full planning application, not a hybrid, outline and reserved matters, application.
- The hybrid application means the LPA will have less control over what happens, if approved.
- Part way through the consultation period they are claiming a viability issue.
- Nothing fresh in the mountain of documentation submitted that allays our substantial fears.
- This site is a hot potato which is being passed back and forth at all levels.
- All consultees have raised concerns but seem to be sitting on the fence.
- If the application is not viable then it should be withdrawn by the applicant.
- Applicant claims they won't be able to make a profit if the agreed S106 payments must be made.
- There are too many unknowns, uncertainty, and risk to approve this application.
- If the applicant cannot make the S106 payments, then the proposal brings no benefit to the Town at all and will only cause additional infrastructure requirements to be funded by existing residents.
- As they are now objecting to the 30% affordable housing and show no mitigation of the flood risks, please refuse this application.
- This application is still seeking to rely on Environmental Impact Assessment Law from 2011, despite the fact these laws were revised in 2017.
- This updated submission should be compliant with the newest regulations. DDDC are derelict in their duty if the Developer has not fully demonstrated compliance with current law. The application should be rejected due to this technical flaw as it is unlawful.
- The developer is already claiming they cannot afford to provide any of the fundamental requirements for phase 1 so the council cannot have confidence in granting any outline permission for further phases.
- The Developer must prove the proposals are viable before being granted outline planning permission and deliver on their responsibilities to the community.
- It's not up to the Council or the community to help the Developer make a profit.
- If the scheme isn't profitable then don't do it.
- The recent viability assessment indicates there will be no benefit for the local economy. No additional employment through the creation of business units, local shops etc. as considered un-viable for developer profits.
- Contradicts Paragraph 34 of NPPF.
- Paragraph 127 of the NPPF- Planning policies and decisions should ensure that developments add to the overall quality of the area over the lifetime of the development,



are sympathetic to the landscape setting, include green and other public space and are safe, inclusive and accessible. The proposal is none of these.

- It was advised that this site was removed from the plan by the Planning Advisory Committee who decided it was not a viable option for development.
- Sites SHLAA 224 and SHLAA225 (DDDC Local Plan) are both beyond the current settlement framework boundary.
- Current housing developments are struggling to sell suggesting the forecasted demand is not realistic.
- There are brownfield sites available closer to public transport and shops.
- The developer is unwilling to deliver the quota for affordable housing and tends to charge prices well above the average income of the district.
- The argument that the developer must build on greenfield sites and disregard the Climate Change Act and its statutory requirements, the Climate and Ecological Emergency Bill, the Local Plan, the NPPF, the 2025 Future Homes Standard and the affordability requirement in order to make the build viable, doesn't hold water. Laws and requirements are not made to work around him (or her). The developer must look elsewhere.
- The site should never have been put on the local plan.
- If the developer is forecasting no profit from the development why are they continuing with it?
- Proof and assurance are required from the statutory consultees as to whether their requirements have been met by the developer.
- Concerns about the EIA application type being used for this proposal.
- This is not just a housing development site but also a major civils' project with its identified topography, ground conditions, surface and ground water and highways infrastructure plus impact on several Statutory consultees.
- Objections to increasing the size of the town.
- This will be the 4<sup>th</sup> green field development site on the North side of Matlock.
- The design does nothing to raise the aesthetics of the town.
- Local residents have spent 4 years fighting this unsuitable, over-sized and wrongly-sited development.
- The NPPF states that plans should allocate land with the least environmental or amenity value. This land should not be built on.
- Matlock does not have the means of employing the incoming residents.
- The developer argues there are 'abnormal' costs but do not specify what these are, the site has not changed, the site was available for assessment before the application was submitted.
- Lead contamination was highlighted in a 2016 report- this is not abnormal.
- Costs associated with levelling the site- the topography of the site hasn't changed, surely this was a known cost.
- The provision of the countryside park and link road are requirements listed in the 2017 Local Plan therefore cannot be considered 'abnormal' costs.
- The FVA consultants specifically state that their methodology is primarily for the assessment of how much to pay for the land. Why are they using this also to argue a reduction in the financial contribution to services?
- If the site cannot support affordable housing it needs to be removed from the Local Plan.
- These plans can only be passed if the Planning Committee contravenes its own Local Plan.
- The advisory committee did not want this site included in the Local Plan.
- Too much time has elapsed since the application was submitted. The documents supporting the application are now outdated.
- The application relies on the 2011 EIA regulations which were revoked 4 years ago by the 2017 EIA regulations.
- The further submissions made by the applicant with additional information does not address the significant concerns raised.
- Development of the sites would be contrary to the Management Aims set out in Derbyshire District Council's Landscape Character Assessment of LCT Settled Valley Pasture.

- The site was allocated in the Local Plan at the last stage under duress, including a claim that, if the Council did not approve it, Government would take over.
- The allocation of the site was not subject to a sufficient level of scrutiny, as has been demonstrated since.
- Inclusion in the Local Plan is not a mandate for approval.
- There has been sufficient new evidence brought forward to override the allocation of the sites in the Local Plan.
- Most of the potential gains of such a proposal have been discounted by the applicant on grounds of viability.

*Additional Comments received after May 2023*

- Application documentation is now out of date.
- The council should get anonymous feedback from residents on the house construction, layout and drainage of other developments completed by this developer.
- The developer should be required to deposit into ESCRO before starting each phase sufficient funds to ensure completion of drainage, pavements and roads should they go broke during that phase.
- Permission would be premature pending the completion of the 2022 Local Plan review to consider the relative benefits of all district-wide potential land release sites including Gritstone Road.
- A review of the Local Plan and strategic housing allocation should be carried out taking into account the sites coming forward, especially since the County Council's Chatsworth Hydro buildings, the abandoned Masson Mill and County Hall might need new uses in the near future.
- The scale of the proposal is disproportionate to the other housing areas in and around Matlock.
- Nothing has changed to make this application acceptable.
- Too many documents to make sense of the proposal. Example of obfuscation.
- The EIA still relies on the EIA regulations 2011. It is now 2023.
- Looking to have all the detail decided at a later date is a very risky strategy for the Council to adopt.
- Beyond the boundary of Matlock.
- The Peak Park needs to take its share of the housing needs.
- The size of the development is inappropriate on such a sensitive and prominent site.
- Increase in population would be almost 10%.
- The thought of building works going on for 9 years is horrifying.
- Brown field sites are being ignored for the easy option.
- The site is unsuitable and the proposed development is unnecessary, unwanted, unsustainable and would be detrimental to Matlock and the surrounding area.
- An application for this site was refused in 1991 as it would result in significant adverse impact on the local landscape, character, visual amenity and settlement pattern.
- In 2011 the site was excluded from the proposed Local Plan due to it being classified Category 4 -unsuitable for development.
- In 2016 the Local Plan Advisory Committee voted that the site should be removed from the Local Plan. This was only overruled by a full Council Meeting by members.
- 800 objections to the proposal have been logged.
- A petition has been signed by over 1500 people.
- Statutory consultees are still reluctant to give clear recommendations.
- Human rights are being breached by the extreme delays in determining this application.
- Inclusion in the Local Plan is not a mandate for approval.
- Proposal will cause extreme harm to Matlock and the Derbyshire Dales.
- Concerns about the quantity and density of properties proposed to be built.

- The Developer clearly does not understand the many problems and issues regarding this site, even after all these years.
- This type of application simply cannot deal adequately with the major physical infrastructure works that are fundamental to the delivery of the new build houses proposed.
- The current EIA and ES requirements effectively 'isolate' the Developer from the provision of the required information.
- With so many unknowns of the site how has the developer done an effective cost analysis of the development?
- They have had over 4 years to provide a true, factual acceptable detailed proposal of the Full Planning Application element that meets required standards and it is not acceptable.

### Landscape Impact

- Proposed materials do not fit the local character.
- Landscape plan does not meet Local Plan Policy requirements or the NPPF.
- Impact on the landscape has not been properly assessed.
- It would obscure views of the woodland from High Tor and distant views of the site can be seen from The Peak District National Park and Stanton Moor.
- Proposal fails to protect and enhance the valued landscape.
- Valued footpath through the site will be impacted by noise, light pollution, and visual amenity.
- Inadequate screen planting to houses on Gritstone Road.
- Support objections by CPRE
- Destruction of 60 acres of Greenfield.
- Government directive to use brownfield sites.
- Gritstone should be used, instead of brick, to build the houses.
- The proposal will destroy 60 acres of green space.
- Views of the site are regularly used on greeting cards and calendars and the loss of amenity will have an impact of small businesses which publish and sell them.
- Use of 1.8m high fencing is inappropriate. Hedges would be better.
- Unnecessary intrusion into green fields.
- Widening of the roads would impact the character of the area.
- Encourages urban sprawl/encroachment into the countryside.
- Will have an adverse impact on the special character and setting of Matlock as a historic town.
- The proposal of a country park is no comparison to the site as it is now.
- The site can be seen from the Heights of Abraham and High Tor which are designated gardens of special historic interest.
- Three storey buildings would be out of character.
- Would be visible from several locations including but not limited to Tansley, Snitterton, Riber, Riber Castle and various points along Limestone Way, Black Rocks and Masson
- The site is 2.2km from the Peak District National Park.
- The attenuation basins are monumental and will dramatically change the landscape.
- The sense of openness and views would be diminished.
- Loss of visual amenity for residents.
- Access road from Gritstone Road creates adverse visual impact for residents.
- Loss of landscape features such as field patterns, dry stone walls and established hedgerows.
- Development of greenfield site.
- Development of the sites for housing would be contrary to the Management Aims set out in the DDDC's Landscape Character Assessment of LCT Settled Valley Pasture.
- Managed country park will be out of character with the surroundings.
- Who will be liable for the maintenance, upkeep and insurance of the countryside park?
- Man-made countryside park replacing the natural landscape is repellent.

- Is the proposed country park to be open to the wider public?
- Impact on tourism by ruining open countryside views.
- Fails to do justice to the landscape sensitivity of the site.
- Would irreversibly alter the character of the area adjacent to Matlock Moor.
- Development of this site should be of the highest quality in terms of design and sustainability to complement the area. The current application fails to do this.
- Previous planning decisions have sought to limit development in this area to protect the landscape from further encroachment.
- The Developer's Asker Lane development is one of the most insensitive and intrusive developments in the county.
- No attempt to mitigate the adverse effects on the landscape with features such as green roofs, soft surfacing, and low impact lighting.
- No attempt to think differently about housing design and density to minimise the visual impact and amount of land required.
- Maintenance of a country park would be costly.
- The application dismisses the idea of designating space for allotments which are widely sought after in the area and provide financial and health benefits.

*Additional Comments received after October 2019*

- If the Council are inclined to approve the development please ensure there is a significant green buffer between existing and new homes.
- Direct contradiction of the Council's own Landscape Character Policy.
- Balancing ponds are an unwanted visual feature in the landscape.
- A 3D model of the proposal is recommended to see the impact of the development.
- The 5 metre buffer zone on the south-eastern boundary is grossly inadequate.
- The site should be designed far more in sympathy with its steeply rising nature.
- The current plans show existing homes being in close proximity to and towered above by the proposed dwellings.
- The idea of a private maintenance company managing the buffer zone is a disaster in the making.
- Design detail of the ponds should be provided to assess landscape impact.
- The 'Country Park' is taken up by attenuation ponds.
- The beauty and character of the local landscape is being undervalued.
- Valuable beauty spot.
- Loss of a green field meadow that absorbs pollution and supports many species.
- Why has the landscape been downgraded and under estimated by the applicant?
- The site is located in the Settled Valley Pastures LCT which forms part of the Dark Peak NCA. The majority of the Dark Peak is located within the National Park, making the Wolds landscape important at National scale.
- It is a piece of National Park landscape just outside the boundary.
- DCC have identified the site as an EMAS (Area of Multiple Environmental Sensitivity). The site has importance at County level.

*Additional Comments received after March 2021*

- Loss of green space
- The proposed ponds are huge and will be a complete eyesore.
- The development would adversely impact the footpath between Bent Lane and Sandy Path.
- Fails to protect the valued landscape.
- A less intrusive and smaller scale treatment of this site should be considered.
- Building on the hillsides of Matlock will destroy the historic character as a former small, Victorian Spa Town and lessen its attraction to tourists.

- Should be rejected on the grounds of poor quality designs.
- The scale of the site is such that there is the potential for significant adverse visual impacts to the wider landscape including views from several sensitive locations.
- Will cause visual expansion of Matlock to the higher slopes of the Derwent Valley out of character with the overall settlement pattern.
- The bridleway would be adversely impacted by the development.
- The attenuation measures will not add amenity value and will cover a surface area of 65 approx. 4.26 acres. Unacceptably large and some are raised structures.
- The link road or bridge will urbanise and adversely impact the landscape.
- There are protected Oak trees on the site.
- The Wolds is an important buffer between the built area and the moorland and woodland above the town.
- Loss of landscape features such as field patterns and dry-stone walls.
- Loss of visual amenity for local residents.
- Anomalies in the landscape assessment which appears to be in direct conflict with the County Council assessment.

#### *Additional Comments received after May 2023*

- The proposed distribution of facing materials for dwellings, walls and garages will not contribute to Matlock's character and appearance.
- The layout and design are not satisfactory – will lead to residential street scenes that are unattractive and detrimental to the appearance of the locality.
- Current SHLAA rates landscape impacts as RED.
- It is an Area of Multiple Environmental Sensitivity- Source DCC.
- Example of Dark Peak landscape.
- Important local footpaths on site.
- The land forms an important buffer between the built environment and Matlock Forest.
- The country park will in no way make up for the loss of green space.
- The application site is a Saxon field pattern of productive grassland, walls, trees and hedges.
- There is conflict between the District LVIA and the County's assessment of the site's landscape value.
- DLUHC has encouraged better design. The proposals look like typical suburbia.
- Concerns about light pollution.

#### Impact of Infrastructure

- Schools, infrastructure, and medical services are stretched and the impact of other developments in the area has not yet been fully realised.
- NHS dentists do not have capacity to accommodate more people.
- No buses to Darley Dale Surgery unless you walk into Matlock.
- Concerns over GP capacity.
- Additional capital investment of between £5 and £7 million and ongoing running costs is required for local healthcare if any further housing developments are approved.
- No additional medical facilities have been proposed for the site.
- No Community Infrastructure Levies money has been assigned for healthcare in Matlock in the finalised Local Plan.
- Full time fire station staff have recently been cut from 14 to 9.
- The current school sites are not big enough for expansion and cannot provide places for the potential new students the proposal would bring.
- Matlock is not well served for leisure facilities.
- Doubts about the capacity of existing drainage and sewerage infrastructure.
- Concerns about the number of houses proposed and the impact on infrastructure.

- Concerns about the fast-food outlet being built in close proximity to Highfields School encouraging children to eat badly.
- The commercial units on site should be used for those services that will be needed such as GP surgeries and dentists.
- Traffic in Matlock will stop people visiting the local shops.
- Broadband is often slow and often interrupted in the area.
- The combined new developments will increase the population of Matlock by more than the population in Tansley which has its own Junior School.
- A local GP has publicly expressed concern that there is no funding available from the NHS for more surgeries in Matlock for the foreseeable future.
- Not all the requirements of Policy S10 are being met.
- The closest hospital is currently not meeting its waiting time targets.
- The new homes will greatly increase the carbon footprint in the demand for heating, water and street lighting.
- Inadequate supporting infrastructure.
- More pressure on post services and refuse collections.
- Concerns about parking in Matlock.
- Inadequate provision of public transport.
- Matlock doesn't have a broad enough range of shopping outlets.
- Utility infrastructures are not capable of taking the extra demand, large scale improvements would be required to upgrade services.
- Matlock doesn't have the capacity to provide jobs for hundreds more residents.
- The emergency services are already stretched.
- No contributions to any services or community groups have been proposed.
- The scheme includes no community facilities in the local centre, only retail and fast-food outlets.
- Bus services are currently inadequate and infrequently used. It is unlikely the new residents will have any different habits to those of the existing population.
- The site is elevated and exposed.

*Additional Comments received after October 2019*

- Infrastructure cannot cope with ensuring the roads at this elevation are cleared of snow/ice in wintery weather.
- Not enough shops in Matlock.
- Is the existing water supply capable of supplying this site? Will this necessitate a further booster station to be installed?
- Compound effect on services from the multiple housing developments in the area.
- Insufficient S106 funding requested to help with infrastructure.
- Lack of educational provision for infants and juniors on site.

*Additional Comments received after March 2021*

- Council already recruiting for someone to assist with planning for extra school places and an additional building that will be required.
- Both GP surgeries are located in the Town Centre which will be impractical for elderly patients and parents with young children to access.
- The application does not demonstrate delivery of enhanced green infrastructure- destruction to 24 hectares of greenfield land.
- The scale of the proposed development is of a magnitude out of proportion with the facilities Matlock provides.
- The viability assessment suggests there is not enough profit in the proposal to contribute to infrastructure.

- The nearest supermarket is in the valley and requires a car to get to it and get shopping back up the hill.
- If the site is not viable enough to contribute towards schools, health and transport then surely the council have a duty to refuse it.
- Proposal is flawed from an access and infrastructure perspective.
- Do not need the proposed takeaway/hairdressers/shop, what we need are schools, doctors and dentists.
- Hospitals are not able to meet their A&E targets.
- Communications infrastructure would need to be improved. Broadband access is slow and often disrupted.
- Presumably residents will be charged a maintenance fee for infrastructure- those on the lowest incomes will not be able to afford this.
- The Town is not supported by an open to the public police department.

#### *Additional Comments received after May 2023*

- The infrastructure works are beyond the remit of the Planning Authority and are clearly the remit of the various consultees and other bodies.
- Key infrastructure works are required.
- Concerns about strains on local schools
- Concerns about existing sewer system coping.
- Increase in population by almost 10%, will the infrastructure reflect this?
- Schools and doctors would be under increased pressure and they are already struggling.
- Concerns the developer will not contribute towards infrastructure when further issues with the land are discovered.
- Where is the plan for extra GP surgeries?
- Retailers are now moving out of the town centre.
- Do we need extra retail outlets? There are lots of empty shops in Matlock.
- Please provide the Council's assessment of infrastructure and services for transparency and assurance.
- The infrastructure works are beyond the remit of the Planning Authority.

#### Land Drainage and Flooding

- Exacerbate existing flooding, water run-off and standing water problems on neighbouring properties and in the wider area.
- Will increase flood risk on Wellington Street around the Severn Trent Water reservoir as this regularly overflows already during heavy rainfall.
- The site cannot be guaranteed "to be safe for its lifetime without increasing flood risk elsewhere" as stipulated in NPPF 2018 para 155.
- Concerns about groundwater that haven't been addressed by the applicant.
- Proposal does not fully or adequately address the issue of flooding and is inappropriate.
- Development is likely to increase flood risk elsewhere.
- New flooding events are happening directly below other new developments off Chesterfield Road.
- The proposed drainage and flooding measures are too close together and too close to houses.
- The fields above Matlock protect the rest of the Town from flooding, acting as a 'sponge' for the rain fall and snow.
- Houses on Gritstone Road are already classed as at risk of ground water flooding, this development will only make this worse.
- Increased risk to life and health.
- No flood defences to the existing homes have been proposed.
- No confirmed flood strategy has been assessed and approved.

- Concerns around the safety of the water attenuation basins.
- Derwent Valley Aqueduct (DVA) crosses the site so the site should be considered as being in Flood Zone 3b rather than Zone 1. Housing (more vulnerable) development on a Flood Zone 3b is not permitted.
- The developer has yet to satisfy the requirement of the LLFA.
- The developer has stated he cannot meet the full attenuation flow capacity required.
- Local taxpayers do not want to be responsible for the long term maintenance of the flooding measures for a site they do not want developing.
- No natural watercourses the water can be diverted into.
- Water from the Gritstone Moorland historically provided water for Smedley's Hydro.
- Severn Trent Water would require the DVA to be diverted before development could commence on site, paid for by the Developer.
- Flooding of properties on Moorfield already occurs.
- The link road crossing the natural valley will require land proposed to be the location of significant parts of two of the proposed 'balancing ponds'. This has not been recognised and will require a redesign.
- The developer is showing 'Drainage Exceedance Routes' on flow routes to areas where existing flooding of property has occurred.
- No risk assessment has been undertaken of the Derwent Valley Aqueduct and no assessment has been done for soundness.
- Any breach of the aqueduct would have catastrophic consequences for the whole town.
- There are regular flooding events, aquifers beneath the site and the Wolds Spring and other water conveyance systems which cross the site.
- Ephemeral water courses on site which flood a significant area during wet or snowy weather.
- Lead Local Flood Team have raised concerns regarding flooding.
- Trenching disturbing watercourses has already affected the natural hydrology of the site.
- Matlock Bank and Matlock Moor historically provided water for the spas in the Town.
- Due to climate change, rainfall may increase in future years.
- Flooding is a serious threat to health and property, including financial costs to residents.
- Water is stored and released from the rocks on and above the site.
- Developer has ignored warnings about the geological character and structure of the site on flood risk.
- Site currently acts as a buffer and protection to the areas of the Town below the site.
- Failure to address the impact of geological considerations on the volumes, pattern of emergence of surface and groundwater and drainage on the proposed development site.
- Flooding of properties in the area is well documented.
- Removal of large areas of trees will exacerbate the flooding issues.
- Essential background research to water flows and flooding has not been carried out.
- No location coordinates are given in the Borehole Log.
- The boreholes were stopped on encountering hard material and no note is taken of the material encountered.
- DDDC incorrectly assessed the Wolds site when drafting the Local Plan considering it to be not at risk of flooding.
- Groundwater research was carried during the driest period in 2017.
- Detailed investigation required to assess the flood risks and mitigation measures.
- Site is permanently waterlogged.
- Site is covered with many natural springs.
- Environment Agency's flood risk map indicates a current high risk of surface water flooding on the site and in surrounding locations.
- Changes to this site will create unpredictable results and move issues to other locations.
- A detailed study of the hydrological issues of the site should be carried out.
- Bog grass is established on the site indicating slow drainage capacity of the clay top layer across the site.



- Springs occur naturally on the site on both the lower and upper fields and on Sandy Lane.
- Huge attenuation basins are unacceptable to residents for safety and insurance reasons.
- Existing domestic sewers at capacity.
- Draining the fields would create issues of subsidence as the sites clay under layer dries out and contracts- This has been seen on other sites North of Matlock.
- Several houses on Gritstone Road are already built on rafts.
- What protection measures will be put in place to hold back the extreme volume of water in the huge attenuation basins?
- What plans are there to combat an extreme weather event and its knock-on effects?
- Who would compensate homeowners for damage or loss if this proposed drainage system failed?
- How long would the developers be held liable for any issues caused or failure of the installed mitigation measures?
- Strategic investment will be required for the lifetime of the development unsupported by national or local financial assistance.
- Will the council be able to secure a long-term commitment from the developer to maintain the proposed drainage?
- The LLFA was not consulted in the initial stages of work on the Local Plan.
- The aqueduct cannot be built over and has a sizeable exclusion zone. The draft plan for the site shows the 'link' road crossing the aqueduct.
- The flood risk from any damage to the aqueduct is extremely high according to Severn Trent Water (STW).
- Not reassuring that STW are promising that strict contingencies are in place should catastrophic flooding of Matlock happen.
- Development on nearby sites is experiencing ongoing severe water flow problems.
- Health safety and financial costs are all considerations as legally the developer will not be liable.
- The local government bodies and the community will have to pick up the costs of the impact.
- Wolds Road has seen water flow out of the road and pavement.
- Expectation that a Sequential Test is applied to the whole site followed by an Exception Test.
- The Environment Agency have been challenged on the Flood Zone classification.
- Concerns about being able to insure properties close to huge balancing ponds, potential danger to life for humans and animals in proximity.
- Concerns about balancing ponds for health reasons- disease carrying insects, litter, debris, blue-green algae and Weil's disease.
- Who will maintain the balancing ponds, swales, sewers, filter drains and ditches?
- Developer unaware of the number of natural springs on the site and the aqueduct until told by residents.
- Flooding is becoming more frequent across the country and must be considered.
- New development in Matlock is causing flooding in areas that previously haven't experienced flooding and new springs to pop up where they haven't been before.
- Mitigation measures on other development sites are constantly seen with water in them even when it hasn't rained.
- Concerns related to flooding due to predicted increase in rainfall.
- Concerns over geology- Geological investigation should be carried out.
- FRA and flooding mitigation proposals considered invalid if not accounting for the geology of the site.
- Concern over the capacity of the current domestic sewers and gullies.
- The developer is not liable for issues arising after it is accepted and building permission given.
- No assurances of National or Local financial assistance if there are issues of flooding after it has been built.

- Concerns about surface water run off towards Gritstone Road
- Will the council consider installation of a considerably larger sewer system?
- Building on a greenfield site of natural drainage is not going to improve the flooding situation Matlock already has.
- There is a spontaneous spring that erupts at the end of Far Cross.
- This may cause subsidence to existing properties.
- The plans do not comply with the requirements of STW regarding the aqueduct.
- A diversion application will be required for the aqueduct.
- The line shown of the aqueduct routing is not as shown by the developer and has been ignored.
- STW has not commented as of 14<sup>th</sup> January 2019.
- STW has yet to stipulate their actual requirements and conditions, receive a detailed solution and for STW to check and approve the proposal.
- Full detailed plans for the aqueduct should be approved before any application is approved.
- There are more areas of flooding than those mentioned in the FRA
- Concerns about sub-surface water flows
- The geology of the site is clearly affecting the movement of surface and ground water.
- The ground investigation report is inadequate and basic, a more detailed investigation is required.
- The site is not suitable for surface water to be dealt with by soakaways.
- Concerns about the volumetric capacity of the balancing ponds and the existing STW infrastructure.
- Concerns about the depth of the balancing ponds and safety risk of these.
- Concerns about the lack of analysis of the shallow drainage systems.

*Additional Comments received after October 2019*

- Further investigation is needed to assess if the development would have a detrimental impact upon the Bentley Brook and the pumping station through the discharge of surface water directly to this watercourse.
- An assessment is needed to demonstrate there is no increase in flood risk to third parties.
- Reliance on conditions to govern drainage issues and ongoing management arrangements is inadequate.
- The development is based upon totally inadequate surveys and would take place on land within a drainage basin declared in need of full hydrological survey by the Environment Agency.
- No sufficient investigation has been undertaken.
- The developer's assessment of flood risk and drainage characteristics are unsound.
- The surveys did not determine the location or nature of the groundwater on the site.
- Households are being refused insurance due to flooding as they live in Matlock.
- No ordinary building firm has the resources and finance to deal with any catastrophic issues that arise from damage to the aqueduct.
- The developer has failed to set out how ground water on the site will be managed.
- Why is it acceptable to build attenuation ponds directly behind existing residential homes?
- This site needs a thorough re-appraisal as an integral part of a study into flood prevention in the Matlock area of the Derwent Valley.
- Houses on Gritstone Road regularly flood from water run-off from the Wolds.
- The fields are like bogs, how can you ensure the houses will be structurally sound?
- Springs on site could pop up anywhere if disturbed.
- Increase in flood risk to Matlock
- No investigation of the aqueduct has been carried out.
- The attenuation basins will smell in the summer months and attract vermin.
- Surface water run-off causes flooding in Matlock, this will make it worse.
- I can see no detailed information about the highway crossing the aqueduct.

- The design and construction of the 'crossing' of the aqueduct will be complex and will need to be approved by STW.
- A decision should not be made on the application until the issue of flooding has been resolved.
- Drainage exceedance routes should be established before the application is determined.
- The attenuation proposed requires a more linked, active/reactive, safeguarding, monitored system implemented.
- Concerns about the control of the housing and road surface water run off connecting into the existing STW drainage network.
- Effective solutions need to be found to control the subsurface water both during construction and after completion.
- A clearly stated response from STW is required clarifying their acceptance of the Developer's proposals.
- The existing estate road drainage system is unable to deal with the more severe peak storm rainfall events.
- Concerns about the safety of the attenuation ponds within the residential area and health concerns need to be addressed before a decision is made.
- The proposed route of the connection to the existing STW pipework involves crossing land owned by the County Council which is not in the Developer's ownership.
- It is strongly recommended that the Council ensures that the Developer engages a (names) Lead Dam Engineer as an imposed Planning Condition.
- The design of the balancing ponds and the supervision of their construction should be under the control of a Dam Engineer to ensure that the control, design, construction and plans for ongoing inspection and maintenance comply with current best practice.
- Further specific ground investigations are required.
- All aspects of the link road crossing the valley and affected balancing ponds needs to be examined and revised.
- An automatic telematic monitoring system is a necessary component for limiting water levels, flow rates and outfall velocities.
- Various aspects of balancing pond 4 need reconsideration, location, psychological effects on existing residents, safeguards regarding dam overflow and failure.
- The precautions and requirements stated by STW regarding the aqueduct have not been complied with.
- Inadequate Ground Investigation.
- Conflict between the link road embankment and balancing ponds
- The balancing ponds are more akin to mini reservoirs or lakes.
- Concern about the safety from the risk of failure of the dams.
- The balancing ponds breach the requirements recommended in the SuDS Manual having a slope of more than 1 in 3.
- The balancing ponds dominate the site
- Has the developer done a risk assessment of placing such large ponds in a residential area?
- If the volume of the ponds were amalgamated it would constitute a reservoir under the Reservoirs Act 1975.
- The ponds will be at their capacity and overflowing after 9 and a half hours.
- The ponds should account for ground water as well as surface water.
- The developer should confirm that the proposed ponds will be designed and assessed by a Competent Authority.
- The developer should confirm that the proposed ponds will comply with the guidance provided in the SuDS Manual.
- The drainage exceedance route is through a property on Amberdene. Have they been consulted?
- Concerns about the aquifers on the hillside.
- Concerns about subsidence and other water-based issues.

- Concerns about water run-off and the suitability and structural integrity of the proposed flood risk/drainage measures.
- Can the Council or applicant cite any development of similar size, with similar topographical and geological characteristics; in a comparable location above an existing town; with similar size/depth balancing ponds and basins?
- Is the foul and fresh sewer capacity sufficient?
- There is solid evidence to justify the change of this area's flood risk classification to Flood zone 3.
- The site should be re-classified to flood zone 3 therefore removing it from being suitable for housing development.
- The topography of the site will create natural catchment areas for storm rainwater.
- There are many more areas of flooding than the developer has referred to in the planning application.
- The southern boundary of the development site is of significant concern as regards land surface and land subsurface draining into adjacent land and properties.
- The overall geology and geohydrology are, together with the topography and observations on site, clearly affecting both the movement of surface water and groundwater in this area in different ways.
- The conditions and known incidents, both during and after construction on various of the housing development sites in the area, that have occurred is disturbing.
- This is a complex matter that needs further consideration by the LLFA and the developer.
- Soils on site are predominantly cohesive and variable or have a high cohesive content, which is likely to limit infiltration rates and thus restrict soakaway performance.
- Ground investigation work is inadequate.
- The variability of the ground conditions found across the site, together with findings of the geology and hydrogeology and the significant differences in ground levels make this site extremely difficult to evolve a satisfactory overall plan.
- Springs just outside the boundaries of the application site have not been investigated to see if they contribute to the site to be developed.
- Near surface soils with variable constituent layers of materials- as found in this area- are known to be difficult to rationalise precise ground water regimes due to their complexity.
- Groundwater conditions found clearly affect surface water flows.
- Interventions to deal with the ground conditions found is likely to be extensive and not easily achievable.
- The site is not suitable for surface water to be dealt with by soakaways.
- The balancing ponds could be a risk to young children.
- Concerns about the capacity of the balancing ponds, the limit of the holding time of the retained storm rainfall to allow the existing 'off site' surface water into the existing STW pipework network.
- Concerns about the lack of analysis and detail of the proposed new and improved shallow drainage systems that are to be installed.
- The (common) law requires that you use your property or land in a way that does not increase the risk of flooding to a neighbouring property. Will the developer take responsibility for this or will civil action need to be taken?

*Additional Comments received after March 2021*

- Concerns that the proposal will substantially worsen the risk of flooding. It destroys businesses, livelihoods and homes.
- Existing drainage issues should be dealt with before causing more.
- We are spending thousands building up flood defences.
- Derbyshire County Council buildings were flooded last year (2020).
- The investigations on which the applicant's groundwater reporting is based, according to their submitted documents took place during June and July 2016 and January and February 2017.

- The average combined rainfall in Matlock in June and July is 132mm. During June and July 2016 actual rainfall in Matlock was 112.3mm or 85.1% of the normal average.
- Surveys were undertaken during periods of well below average rainfall and no surveys were taken during storm conditions.
- Developer investigations claim to have found little groundwater which is odd since this is the area John Smedley drew water from to support his Hydropathic Establishment.
- Factoring in a 40% increase in rainfall due to climate change the conclusion is proportionately distorted in the baseline starting point in incorrect.
- Rainfall in November 2019 was 217.56% above average. This month was not surveyed.
- Steams that used to appear on the land after heavy rainfall or snow are now permanent features of the landscape as seen on Google Earth between 2016 and 2021.
- Residents of Bentley Close now have running water behind their homes from a watercourse that has evolved over 6 years.
- The site assessment for the Wolds states (on advice from the LLFA) there is no watercourse on this land. This is clearly not the case.
- The new watercourse on the Wolds is still present after hot and dry periods of the year.
- A permanent watercourse has developed since intervention took place by trenching during 2017.
- The base line used for flood risk and traffic are now out of date and this includes NO2 emissions. This is an issue of Public Health.
- Economic damage to the Town Centre when businesses move to less risky areas because of flood risk or traffic by-pass.
- They cannot prove the attenuation basins will capture the water run-off as the site is too unpredictable.
- The proposed SUDS are too big and sited behind existing homes.
- EA have expressed concerns about the capacity of the pumping stations at Bentley Brook and Knowleston Place. Modelling by the EA will not be complete until 2022-23. No decision should be made before this.
- Concerns about the robustness of the review done by the LLFA.
- The overflow route for the proposed basin to the rear of Amberdene is through existing properties.
- There are fundamental failings with the flooding mitigation on other William Davis sites.
- The application does not demonstrate delivery of a reduction in flood risk to the town.
- The attenuation basins on other development sites in the area have failed.
- The EA and DCC have identified existing under-capacity in the various draining systems at the Bentley Brook catchment.
- Local Plan policy PD8/Paragraph 155 of the NPPF- the proposal is inappropriate development as it is in an area at risk of flooding and risks increasing flooding elsewhere.
- Policy HC2 requires a site-specific flood risk assessment. The proposal fails to address the issue of flooding in any significant depth.
- Wastewater and sewage drains are combined in Matlock and being overloaded cause fairly frequent overflows into the River Derwent. Any new development is certain to cause more emptying of untreated sewage into the Derwent.
- The proposal is contrary to Local Plan Policies and the NPPF in terms of flooding.
- Concerns about flood risk- low porosity geological structure of the bedrock and overlaying clays.
- Houses in the vicinity already experience rising damp from the underground springs on the site.
- Underground springs force through the tarmac on Gritstone Road
- Loss of natural drainage.
- The Environment Agency is concerned about the increase in the amount of water regularly flooding Matlock Town Centre from the Wolds and other new build areas.
- Building attenuation ponds the size of Olympic pools will not solve the problem of all this water.

- Whenever there is heavy rainfall the underground reservoir adjacent to Amberdene overflows.
- Drains are not coping with rainfall already; this will be made worse by the new homes.
- The old pipe works in Matlock cannot take the extra capacity.
- Matlock Green pumping station is already struggling.
- Insurance companies will not insure properties in the area should the attenuation basins fail and cause damage to the existing properties.
- Clarity needed on STW requirements regarding the Derwent Valley Aqueduct.
- Need to be apprised of effective solutions for the control of subsurface water both during construction and after completion.
- Need assurance that attenuation ponds within residential areas are made safe and health concerns are addressed.
- Is the existing water supply capable of supplying this site?
- The increased pressure in the water pipe network has caused heavy duty access chamber lids, releasing water and sewage, to be lifted off.
- The attenuation ponds as currently shown cannot be built and cannot provide the required volume of water to be retained.
- Could more permeable and absorbent materials be used in the construction of the houses such as green roofs, gravel surfaces and ponds in gardens to retain surface water.
- Man made holes and reservoirs pose a high risk for ground subsidence.
- I would ask that the Council ensures that the most robust and appropriate searches of the site are carried out to limit any damage to neighbouring properties.
- Managing surface water is not the problem, the issue is the underground springs.
- Concerns about increase in flood risk at The Mill, adjacent to Bentley Brook.
- Severn Trent have stated they will not accommodate the proposed amounts of surface water into the network from this development.
- Residents are terrified by the proposal to build 400 houses on land acting as a giant sponge.
- Opposed based on the flood risk not being systematically assessed.

#### *Additional Comments received after May 2023*

- Proposed flooding measures are not guaranteed to be effective.
- Continued flooding of Matlock and Matlock Green shows it would be clearly inappropriate to allow further major developments.
- Foul waste surcharge has been evidenced during heavy rainfall in the current drainage network which is over capacity and cannot serve any more new homes.
- Why was a sewer upgrade not considered during the Treetops development application.
- Felling of trees will increase the water runoff into Bentley Brook and onto the Wolds.
- Removal of trees by the ongoing work of the Forestry Commission on Matlock Moor may lead to increased water in the aquifers, heightened intensification of spring activity and surface water runoff.
- Surface water flows have been stated as not exceeding 20lps but as there are 2 attenuation basins discharging jointly this will be 40lps exceeding what can be accommodated in the current network.
- It is concerning that the volume and destination of the water exiting the smaller attenuation basin into the culvert is apparently inconclusive due to camera work being restricted due to a potential collapse in the network.
- The developer is intending to exceed you specification for the flows exiting phase 1 of the development.
- The developer has failed to establish definitive flow rates into the smaller attenuation pond, dealing with the ordinary water course flow.
- The developer appears content to allow flows to discharge from the culvert without definitive knowledge of destination of flows.

- The LLFA confirm that phase 1 proposals indicate two 20lps points of discharge which exceeds the network ability.
- The LLFA did not consult STW regarding the proposed increased flows from phase 1.
- The developer appears to fail to identify the Spring correctly and also suggested that its purpose is to drain the field.
- The substrata of the application site is vulnerable to erratic drainage movements.
- The application should be refused or held in abeyance pending a full-scale land-release review which compares flood risk on all potential sites in the district which do not have planning permission.
- Request for full assurance from an independent drainage expert that the proposed drainage will prevent flooding on site and not add to downstream flows.
- The FRA and EIA completely fail to assess the impact of the basins/flood storage areas that are proposed to be formed by constructing dams across the watercourses above the natural ground level, forming reservoirs.
- Smaller dams and reservoirs are not regulated and are a higher risk than large reservoirs.
- The ponds and basins only have a 300mm freeboard allowed and should be a minimum of 600mm for ponds and between 400mm and 600mm for basins.
- The drainage exceedance allowance analysis is insufficient.
- Is this drainage maintenance and liability really going to be the responsibility of the collective householders?
- No details of any inspection operation or maintenance plans.
- There is no breach analysis for any of the dams.
- There is no overtopping assessment or analysis.
- There is no Hydrological flood assessment of the whole catchment.
- There are 2 outlets from the site, one is a newly proposed dam, each releasing 20 litres per second thus doubling the limit set by STWA
- No assessment of safety for storm events in excess of those required for the proposed drainage systems.
- Policy PD8 promises only to support development proposals that avoid areas of current or future flood risk, and which do not increase the risk of flooding elsewhere.
- It has been acknowledged that the sewer network is inadequate.
- It has been acknowledged that the Knowleston Place Pump Station is inadequate.
- There is now predicted to be a 100% increase in the Bentley Brook levels.
- Since the site was allocated there have been some changes to the DDDC SFRA (Strategic Flood Risk Assessment) in that the Bentley brook catchment has been revised up to High Risk from medium Risk.
- The current Strategic Housing Land Allocation Assessment demonstrates the shortcomings of the selection process and that the site was not subjected to sufficient scrutiny and/or there was insufficient information made available before being allocated in the current Local Plan.
- Current SHLAA still needs to be updated to include the water courses recognised by the EA and LLFA.
- The proposals provide an unquantified risk to Matlock in terms of future flood risk.
- The developer is intending to exceed your specification for the flows exiting phase 1 of the development.
- They have failed to establish definitive flow rates into the smaller attenuation pond, dealing with the ordinary water course flow.
- The area for diversion and culverting does not adequately deal with the issues of the Upper Wolds Spring.
- Please do not make the flooding worse by allowing this to go ahead.
- Inadequate drainage on Gritstone Road, it will make this situation worse.
- So many questions and unknowns surrounding drainage that the application should be refused.
- The LPA does not know how to deal with this subject.

- Victorian construction of the aqueduct is a concern even with the buffer zone.
- Aqueduct hasn't been examined for its structural integrity.
- The silting up of the basins will make these useless against flood risk.
- Torrents of water flow off the Wolds.
- We don't seem to be getting honest professional full evaluation studies of all the impacted areas of this plan.
- Some properties in the area have already been refused insurance due to current flooding issues.
- The site is littered with unchartered springs.
- Concerns about the effect on Bentley Brook
- Should the greenfield sites not be used to alleviate the flooding?
- The Environment Agency and LLFA are opposed to culverting watercourses.
- Each newly discovered watercourse on site has a knock-on effect to the proposed layout.
- There are possibly two additional watercourses to the east of the site that haven't been considered.
- The end destination of the water courses has not been established so how can the developers possibly claim to be able to quantify or mitigate the end results?
- Culverting the watercourse could increase the likelihood of blockages and cause flooding.
- A watercourse should not be diverted unless absolutely necessary to maintain the quality of water, to avoid risk of blockage and improve access.
- The applicant's proposals to deal with the watercourse are not acceptable.
- A detailed study of the hydrological issues should be undertaken.
- Increasing reports of other areas in Matlock experiencing flooding issues after new development in the area above or adjacent to it.
- Signs of subsidence on new developments in the area linked to saturated ground.
- The total volume of the attenuation pond capacity brings it closer to the limit set to require the Reservoir Act to be implemented.
- The balancing ponds are not 'true ponds', they are part pond and part small earth dam.
- If the balancing ponds were to be breached it would cause loss of life and property.
- The developer should be required to apply the Reservoir Act 1975 to the infrastructure works.
- No start on site should be made until the contractor has provided an acceptable solution with full documentation for the specification, design, drawings, materials, timescale, construction details priced Bill of Materials etc.
- Unsatisfactory technical details.

## Highways

- Concerns about traffic impacts on Chesterfield Road, Cavendish Road, Crown Square and the wider Matlock area.
- Unacceptable impact on highway safety and the highway network.
- Site access to Chesterfield Road should be further out of Matlock.
- The proposed access would not be safe or secure.
- The cumulative impacts on the road network would be severe.
- Derbyshire Dales already ranks in the top 10% in the UK of car ownership.
- DCC response proposes more space allocated to vehicles in the Town Centre which contradicts the work of IMPRESS and will ruin the town.
- Proposal will aggravate already busy commuter routes to Derby, Matlock and Chesterfield.
- Queueing traffic will be off-putting to tourists and potentially impact tourism in the local area.
- The location of any proposed shops should be on the outskirts of the development to mitigate any unnecessary travel around the site and from adjacent areas into it.



- In 2016 The Derbyshire Dales Local (Transport ) Plan states “it is not considered that there is scope for further significant, capacity-based, highway infrastructure in the foreseeable future.”
- Conditions on the roads are already hazardous for pedestrians and motorists in Matlock.
- In 2007 the Scott-Wilson study (Matlock Traffic and Transportation Strategy and Action Plan) commissioned by the District Council concluded: “The level of redevelopment proposed by the Matlock Town Centre Master Plan represents a maximum level of development that could be accommodated by the local highway network.”
- Traffic congestion on the small residential roads will prevent Emergency Services responding quickly.
- Transport Plan and Travel Plan are not in compliance with National and Local Plan Policies.
- Quiet cul-de-sacs will become busy thoroughfares to serve the new development.
- Is Wellington Street to become one-way?
- Is on-street parking to be banned on Cavendish Road and Wellington Street?
- Widening Cavendish Road isn't feasible.
- The Transport Assessment does not consider the effects on minor roads.
- All roads and junctions around the site will need to be widened and improved, not just Pinewood Road, to reduce congestion and danger.
- The main roads are inadequate for any expansion.
- Gritstone Road is already in a bad state of repair.
- Some form of traffic control or crossing will need to be installed to cross Chesterfield Road at The Duke of Wellington and Lumsdale Road to get to the bus stops.
- Increased impact on the Lumsdale Road area, measures would need to be taken to protect public safety and the character of the area.
- Roads on Matlock Bank are largely down to one lane due to parked cars and those cars are regularly left damaged by those travelling past. This will only get worse.
- Access should be from Sandy Lane and Farley Hill to prevent disruption to residents of Gritstone and Pinewood Road.
- The Travel Plan does not address solutions to the impacts on the highway network.
- Greater use of a single-track road at Lumsdale could be dangerous.
- Turning circles accessing Pinewood Road and Wolds Rise barely cope with anything longer than 20ft.
- The Council will have to make provision for extra snow clearing and gritting in winter.
- There has been an increase of accidents on the roads since the other 3 developments off Chesterfield Road have been built.
- There is no possibility of improving Crown Square because of the topography of Matlock without spending vast sums of money which no S106 agreement can ever cover.
- Has the additional traffic created by the Country Park, Play Area, Fast Food Outlet and Shopping Mall been assessed?
- Unidentified 'improvements' and how these are to be funded need to be explained in more detail.
- No improvements to Gritstone Road are shown on the application.
- Unsuitable access roads.
- Will put students at greater risk of road traffic collisions.
- The proposed sustainable transport will not eliminate the traffic problems.
- DCC Highways 'did not undertake a detailed assessment of individual junctions as a result of specific development allocations.'
- Local employment opportunities are scarce so commuting will cause more congestion.
- Is the existing footpath on Gritstone Road satisfactory to withstand construction traffic loading?
- Concerns about children, parents and carers crossing Chesterfield Road at school and nursery sites.
- Pollution from increase in highway traffic.

- Traffic flows and junction modelling needs to be assessed in terms of residential impact.
- Widening Gritstone Road and Pinewood Road is not going to solve the issue of the narrow access coming from Cavendish Road or the lack of visibility on Wolds Road- violates Policy S3.
- Mini roundabouts should be installed at the junctions of Sandy Lane, Wolds Road and Wellington Street to facilitate safe and effective traffic flows.
- The cumulative effect of this proposal and 4 previously approved applications near the site has not been fully considered or addressed.
- Highway network already over capacity
- Doesn't accord with policy HC19.
- Unsustainable location up a hill so occupants will be wholly reliant on private cars.
- Contrary to local plan policies on sustainable transport and no compliance with these policies has been addressed.
- Concerns about road safety with increase in traffic
- Highway safety will be compromised.
- Adverse impact on air quality
- Will cause long queues and congestion in Matlock with queues up to 3 km in length on the approach to Crown Square.
- Crown Square is already over capacity, reaching its capacity 4 years ago, making the town unattractive to residents and visitors.
- The proposed mitigations to aid traffic flow are not satisfactory to handle the proposed increase in traffic at Crown Square.
- A major highways scheme to remove traffic from the Town Centre would be required.
- The methodology used by DCC does not give factual results- that stated by Highways England should have been continued to be used.
- Air pollution should be considered. No mention of any air quality considerations.
- Existing air quality monitors in Matlock are not in key positions to provide reliable data.
- Any physical interventions to the road network are not possible.
- Will the roads around Gritstone be improved before building commences?
- Developer is relying on hypothetical and misguided sustainable transport mitigation methods which cannot be justified or guaranteed to work.
- No Equality Impact Statement has been undertaken on behalf of vulnerable groups within society in terms of highway safety.
- Local roads serving Cavendish Park and Gritstone Road are extremely busy, constrained by parked cars and cannot cope with existing demand.
- There are no parking restrictions on Cavendish Road to prevent congestion.
- Traffic increases and queues in the town will be severe.
- Chesterfield Road is a major commuter route and subject to constant traffic, as a main access to the proposed site this would cause traffic backlogs, increase in pollution, noise and danger for existing residents and children walking to the nearby school.
- No crossing facilities near Lumsdale Road for children entering the school.
- Emergency services already struggle to traverse the roads adjacent to the site due to parked cars- additions to this would contradict NPPF paragraph 110 subsection D.
- Concerns about congestion at Wellington Street/Cavendish Road junction and Wolds Rise and Cavendish Road frequently see congestion during peak times and when events are happening at Cavendish Fields.
- Standing traffic will have skewed traffic data provided in the surveys.
- Developers have set up traffic counters on cul-de-sacs that provide no access to the site to cheat the numbers.
- Highway congestion will have a negative impact on tourism.
- There is a deficiency in parking in the town centre.
- Traffic congestion
- No details are provided of criteria used to identify the junctions within Matlock that were selected for capacity assessment.

- Key junctions on the traffic network have not been assessed in the Transport Assessment.
- Unlikely that residents will use a bus service as most will be travelling further afield or to places other than Matlock.
- No evidence is provided of any consideration of an increase in tourist traffic on the network after development.
- Traffic counts were carried out in 2015 and 2016 for an application submitted in 2018.
- The capacity assessments should be undertaken again with Temprow traffic growth and committed development flows.
- There is an underestimation of residential traffic generation in the TA assessment and discrepancies in the data supporting the report, including but not limited to:
  - The Transport Assessment (TA) does not detail the traffic generation associated with the use of the non-residential aspects of the development. This should be accounted for in the report.
  - The proposed country park is not considered to be a traffic generator within the TA. This should be accounted for in the report.
  - Details of the traffic distribution calculation have not been provided this cannot be checked.
  - TA report does not demonstrate the justification for how the proposed link road will reduce traffic at the Wellington Street/Chesterfield Road junction.
  - No queue data or delay data is available. New traffic surveys with queue surveys should be undertaken.
  - No data provided detailing the impact of the pedestrian crossing at Highfields school on traffic.
  - A drawing indicating the development layout for the full application is not included within the TA
  - A detailed drawing of the Sandy Lane pedestrian link is not provided.
- Concerns that visibility at the Sandy Lane/Chesterfield Road junction will not be suitable for service vehicles and development traffic.
- No highway improvements are proposed to mitigate the impact.
- The TA does not provide enough of a comprehensive report to satisfy there will be no traffic impacts on the wider area.
- The proposed bus service contribution is only for 5 years- this should be longer.
- Underestimation of the traffic flows in Matlock.
- Cavendish Road cannot function as a two-lane estate distributor road.
- Proposed bus passes provided for residents are only for 3 months and for local trips. This should be for 12 months and extended if this does not result in significant and sustained use of public transport. It should also include destinations further afield.
- No mention is made of connectivity by foot to local schools.
- No identification of any improvements to be made in the wider area to improve footpaths and cycle routes to encourage journeys on foot.
- No details of any parking survey have been provided.
- No detailed drawings of cycle routes are provided for the site.
- No measures for cycle routes are proposed outside the development site.
- No mention of measures to improve accessibility for residents with disabilities and other mobility impairments outside the development site to local facilities.
- Do not provide full details of the works to Pinewood Road and how they tie into the existing road network.
- Not demonstrated compliance with Local and National Plan policies.
- Details of funding for the resident's group to continue the Travel Plan after handover have not been provided.
- No firm commitment is offered to provide discount vouchers for residents to purchase cycling equipment.
- Discrepancies between the Travel Assessment and Environmental Statement.
- The action plan does not indicate who is responsible for the delivery of all the travel measures and when they will be delivered.

- No penalties are indicated within the Travel Plan if the targets are not met.
- Clear source of committed funding should be linked to the Travel Plan.
- The ongoing monitoring, proposed for 5 years, should be extended to 9 years.
- Details of how the construction traffic generation has been derived is not provided. This should be provided for review.
- Concerns over visibility splays at the Wolds Rd/ Chesterfield Road junction.
- No swept path analysis has been provided for construction traffic from Chesterfield Road and the impact on residents which includes parking.
- The TA indicates the development traffic flows will be higher than indicated within the Environmental Statement.
- The development needs to be reassessed/reviewed based on the issues identified within the TA, TP and ES.
- Further details relating to the targets within the TP need to be provided to aid delivery, monitoring and define the impact of the measures.
- Site is situated above the snow line and the existing Wolds estate roads are not on the DCC gritting routes.
- Highways are already over capacity, an increase of up to 645% is unacceptable.
- Parked cars on Cavendish Road and Wellington Street causing narrowing of the roads already causes congestion.
- Wolds rise is not wide enough to accommodate additional traffic.
- High risk of accidents on Wolds Rise and Cavendish Road if traffic is increased as proposed.
- Will there be a car park for the proposed country park?
- People will have to commute to a job that allows them to afford one of the new houses in Matlock.
- One way access should be considered at the Bent Road access to the site to relieve congestion on Cavendish Road.
- Residents on Gritstone Road park their cars on the road which will obstruct the construction traffic from entering the site.
- The proposed widening of Gritstone Road will not be enough for the HGV vehicles to pass.
- Wolds road is used as a school drop off/ pick up area.
- A condition should be imposed to restrict further phases of the development until the developer and DCC can establish that the Sustainable Traffic Intervention is working as proposed to reduce the traffic flow.
- The link road will be a 'rollercoaster' with gradients that are far too steep.
- A link road following the vertical alignment of the existing ground levels of this natural valley will be a safety issue.
- Sight lines at the A632/Wolds Road junction are not suitable.
- A set of four-way traffic lights that the A615/A632 junction would probably be more use than any mitigation on Crown Square.
- Risks to school children going to Highfields School.

*Additional Comments received after October 2019*

- The base lines for traffic and increased pollution and flood risk have changed since the application was submitted.
- Any area wide travel plan must be in place and have been proved to be effective for some years before allowing further houses to be built.
- The inclusion of a local centre to the development will attract more traffic movements from other areas to this site increasing the traffic problems.
- The fact that a link road is needed shows there are traffic issues.
- No evidence to suggest the additional traffic will reassign through the site via the link road.
- Breach of DDDC Accessibility and Transport policies.
- This proposal does not minimise the need to travel.

- Does not encourage a reduction in emissions from private car use.
- Development should be focused on existing town centres near to major public transport interchanges.
- The current public transport network is not fit for purpose as it only goes from Cavendish to Matlock. This is no use to those with jobs in other areas or needing to transport children to the schools in the area.
- No one is going to wait for a bus if they have a car on the driveway.
- Little scope for significant, capacity based, highway infrastructure changes in Matlock, the Gritstone Road area or Pinewood Road.
- Concerns about congestion on the roads effecting businesses, tourism, children, road safety and pollution levels.
- The council have failed to consider the wider strategic impacts on the transport network, such as the secondary impacts on junctions from people re-routing their journey.
- The Chesterfield Road junction is a nightmare already.
- Concerns about widening Gritstone Road by 1m will still not be enough for construction traffic.
- Previous refusals of the site for reasons of access, what has changed?
- The additional information submitted has provided little substantive information and provides little factual content.
- DCC Highways can only dismiss the application due to inadequate submissions.
- Highways impacts have been underestimated compared to the factual results of the AECOM Report.
- Inadequate proposals for physical changes to Crown Square roundabout and an overstated success of the proposed Sustainable Transport interventions.
- Sustainable transport is not compulsory but a personal choice of the individual.
- The highway network in the town centre will become unfit for purpose.
- The current estate roads are not designed for HGV movements proposed.
- The existing highway pavement construction should be established, their current strength checked against expected loadings and remediation solution established.
- Works to improve the estate roads should be carried out before commencement on site.
- No measures can be taken to widen Cavendish Road.
- Off-road parking is not possible on Cavendish Road and many residents use the kerbside to park outside their house.
- The two access points are not sufficient for the site.
- A new access should be away from existing residents and school children.
- The submitted Travel Plan does not adequately explain how the housing development will not have a negative effect.
- The Travel Plan is overly optimistic with regards how many people will make journeys by foot.
- The proposed bus timetables are inadequate and no indication has been made to say these will be extended to early morning and later evening.
- Developer's do not propose enough to begin changing resident's travel behaviours.
- Impact of traffic on Smedley Street has not been evaluated.
- Inadequate contribution to travel infrastructure.
- Resident will not use bikes to get to Matlock
- Most residents in Matlock use cars to get around.
- Travel times on foot have been stated (in the report) as uniform regardless of the direction uphill or downhill, with prams or shopping bags.
- Concerns about increases in traffic accidents.
- The town centre is not a 10 minute walk away.
- Concerns about access visibility.
- Every road to the proposed development will have a gradient of at least 11%
- Would lead to an unsafe and chaotic road network for residents.
- Concerns about construction traffic using residential and town roads.

- Concerns about damage to the roads due to construction traffic.
- Will there need to be double yellow lines on Cavendish Road to accommodate the development?
- The applicant has underestimated the additional traffic by 20%
- The traffic plan is hypothetical.
- Access to the proposed development is appalling.
- The proposed will destroy the existing and pleasant environment.
- Narrowing the footways to allow for the additional traffic is potentially dangerous.
- Concerns about no direct access to a main road from the proposed development.
- Inadequate junction of Wolds Road with the A632
- Unsafe and unhealthy pedestrian access to schools and the town centre.
- The base models do not appear to have been calibrated to observed queues and only three of the eight junctions modelled had queue lengths surveyed.
- The Developer's travel report approach to identify traffic generation appears muddled.
- Visibility measurements are not shown correctly at the A632/Sandy Lane junction.

*Additional Comments received after March 2021*

- Potholes around Cavendish Park and roads in a poor state or repair.
- Tourists mention the traffic and wonder how we cope.
- The safety to children on the residential roads is a concern with the increase in construction traffic.
- Gridlock on a daily basis will compromise our emergency services.
- Plant using narrow and single-track roads is not viable and unacceptable.
- No immediate access to the main road.
- Traffic will have to travel through built up areas to access main road.
- You have a duty of care to the school children in the area.
- No plan or detail of the proposed pedestrian crossing relocation has been put forward by DCC Highways or the Developer.
- The developer is proposing to pay 50K to relocate the crossing but only after building 100 homes. The safety of children crossing the road should be put first.
- DCC says funding to make highway improvements is acceptable in principle but this transfers responsibility to the County Council to deliver works which in the current climate they may not be able to undertake.
- The new crossing should be in place from day 1.
- No adequate vision from driveways on Cavendish Road if traffic increases.
- Accident data relied upon by the applicant was 2 years old in 2016 so it is now 8 years old.
- There was a proposal to create a residents parking scheme on Cavendish Road, I am unaware of any such consultation. Is this still ongoing?
- Basic traffic counts were undertaken in 2015/16.
- Area wide travel planning is pivotal to reducing the traffic impacts of this development.
- Has DCC been made aware to the travel survey undertaken by Matlock Town Council?
- Have local residents been asked about their travel habits and if they would consider altering them to a different mode of transport?
- Where is the detailed information about the link road and its construction in the newly submitted documents?
- The pavements on Gritstone will need to be reduced to accommodate traffic which seems contradictory when pavements in Bakewell and Ashbourne have been widened to afford people space.
- No other proposals which have been put forward use a network of quiet residential streets to provide access.
- Moving the Highfields School crossing nearer the junction of Wellington Street will cause a backlog of traffic on Wellington Street, could lead to HGVs having to stop on the steeper

section of the A632 and will cause overlooking to properties on Lumshill Rise from pedestrians.

- Everyone in the wider area will need to change their travel habits. People need to be consulted about whether they are prepared to, or are able to, change their travel habits.
- Cycling and walking in the locality tends to be recreational rather than functional.
- The vehicles that park on the pavement on Gritstone Road will still continue to do so even if the footpath is reduced.
- Safety concerns around children walking to school would increase car journeys.
- The highway network cannot accommodate the traffic that will be generated by the development.
- The proposal does not accord with Local Plan Policy HC19.
- The site does not lend itself to active travel.
- Extreme congestion.
- Difficulty accessing Chesterfield Road from Gritstone Road already.
- Matlock's highways are already at saturation.
- The applicant has dismissed the effect of the 645% increase in traffic movements as being negligible. The Highway Authority do not share this view.
- Existing roads to the site are all narrow.
- Is the intention to put double yellow lines along Cavendish Road to prevent residents parking there? Will residents be consulted on this?
- Delays to emergency services.
- The existing road access is insufficient.
- Highways concerns about increased traffic on:
  - Matlock Town Centre
  - Wolds Road/Gritstone Road
  - Cavendish Road
  - Local Road Network
- Site link road concerns- flaws in layout drawings.
- Where is the new pedestrian crossing on Chesterfield Road going to be located?
- The link road cannot follow the natural valley contours- the vertical alignment would be unacceptable.
- The link roads and earth embankment will act as a dam and should be treated as such structurally. It must be safe from collapse.
- Housing is needed in the area.
- A residents parking scheme would need to be introduced on Cavendish Road, Wolds Rise and Wellington Street.
- Traffic lights would need to be installed on junctions of Chesterfield Road.
- HGVs will be unable to traverse Cavendish Road due to the narrow road network.
- Proposing to reduce the width of footpaths is inconsiderate and dangerous to pedestrians, wheelchair, mobility scooter users and those using prams and pushchairs.
- Concerns about moving the pedestrian crossing near the school.
- New residents are commuting to larger towns for work.
- Access up Sandy Lane is only for the Farm.
- The topography of Matlock does not lend itself to road widening.
- An alternative access route to the site should be proposed.
- DCC have proposed to extend the 30mph speed limit on Chesterfield Road due to the number of accidents.
- No assessment of the viability of moving the pedestrian crossing on Chesterfield Road has been carried out.
- Due to the proposed HGV movements the pedestrian crossing should be moved before development starts.
- Concerns about underestimated local trip rates.
- Concerns about incorrect queuing figures.
- Concerns about increase in traffic during building phase

- How can the developers guarantee the success of their sustainable travel plan?
- A direct bus link between Starkholmes Highfields School and the development would be essential.
- Could there not be a road through the County Council Car Park to prevent the Cavendish Estate being grid locked?
- Public Rights Of Way must be protected.
- The bridleway will be adversely impacted.

#### *Additional Comments received after May 2023*

- Since the report was published a further 235 homes have been built or permitted in Matlock creating considerably more traffic than the local plan inspector could possibly have envisaged in 2017.
- Huge increase in internet home deliveries since 2017 exacerbating traffic.
- The proposal to widen the carriageways in Matlock Town Centre must be strongly resisted.
- Will lead to adverse traffic conditions.
- Are DCC Highways happy that the link road will run along the top of one of the dam walls?
- Will DCC Highways adopt the road and the underlying structures?
- Moving the pedestrian crossing to the Duke of Wellington junction will cause chaos.
- The fact a link road is needed shows that traffic congestion is an issue.
- Concerns about impact on traffic and road users.
- Concerns about the appalling approach via Gritstone Road and the inadequate Wolds Road junction.
- Concerns about road congestion.
- Access via existing small roads will be dangerous to pedestrians.
- The volume of construction traffic is totally unacceptable.
- How the developer can call the traffic impacts 'negligible' is unbelievable.
- The LPA defer the highways issues to the Highways Department but they have not undertaken a detailed assessment of individual junctions.
- The safety of children crossing the road is a primary consideration.
- If DCC declines to recommend refusal this should be tested by the Inspectorate.
- The town centre lacks suitable parking.
- Gritstone Road is a narrow unclassified road.
- Traffic congestion could prevent Accident and Emergency Services from responding quickly enough.
- Residents on Cavendish Road and George Road are feeling the impacts of the closing of Chatsworth Hall car park. 30-35 more cars now have to park on the road.
- Factors yet to be determined are confirmation the crossing of the Link road is in the form of an earth embankment and the width at carriageway level, the embankment side slopes, the footprint at the proposed ground level.
- Concerns about the height and embankment of the balancing ponds.
- Need for road safety barriers on the inner horizontal curve of the link road.
- What will be the speed limit of the link road?
- Concerns about sight line distance on the link road.
- Concerns about a lack of detail provided about the cascade of balancing ponds in phase 2.

#### Sustainability of the Site

- Residents without transport will be marooned on site- very little public transport available and virtually inaccessible during bad weather as it is above the snow line.
- During snowfall the site will become cut off from the amenities in Matlock.
- Encourages car use.



- Cllrs should visit the site on foot from the Town Hall rather than the committee bus to assess the sustainability.
- Concerns about increase in pollution from the new households and traffic.
- The severe gradient to the site means it is unlikely that an average person will walk or cycle to the site.
- Existing bus usage suggests that to put on a more frequent bus service, as proposed by the developers, would be financially unsustainable for any business and unlikely to be used.
- Only one train per hour out of Matlock and a half hourly bus service to Chesterfield and beyond, public transport is limited.
- The site is poorly connected to the town centre.
- Some key services are a 10–20-minute walk away.
- Cavendish area currently has no bus service on a weekend, and it finishes at 5pm on a weekday.
- The inclusion of a 'local centre' highlights the remoteness of the site and makes a mockery of the site being sustainable.
- Even a 30% increase in the amount of people choosing to use the bus service would not achieve any significant difference to car usage.
- Changes suggested by the developer to combat traffic flows are purely aspirational and not enforceable as they come down to individual choice.
- The application mentions a 'local centre' but no metrics for sustainability are provided.
- The proposed cycle and pedestrian links will not assist with sustainability due to the topography of the local area.
- Bank Road is on the Matlock 10 cycle challenges; unlikely to have residents cycling up it.
- The edge of town 'local centre' conflicts with the Local Plans objectives to preserve and enhance existing retail provision and Town Centres.
- Since the site is non-sustainable and will be car dependant, why has no effort been made to offset this by ensuring houses are of high energy efficiency.
- The Local Plan advisory Committee classed the land as Priority 4- sites which perform poorly in respect of the defined key development criteria.
- Sponsoring transport improvements for 5 years does not equate to sustainability.

*Additional Comments received after October 2019*

- Where will the new residents work? There are not sufficient local jobs.
- The inclusion of a local centre highlights the remoteness of the site.
- The proposed shops will encourage traffic onto a residential estate.
- The site is cited as having amenities close by on Smedley street. The walk to this area alone would be difficult and it does not provide much choice or a weekly food shop opportunity.
- No amenities in Matlock such as a cinema, shops or theatre.
- Will the developer contribute towards increasing capacity on the railway?
- Concerns of social isolation.
- Amenities are not within walking distance. The developer glosses over this fact in the reports.
- Can the developers guarantee the success of their sustainable travel proposals?

*Additional Comments received after March 2021*

- Claims about walking and cycling cannot be substantiated whilst stating that traffic impacts will 'be minimal'.
- If the developer cannot provide the S106 contributions who will sustain the maintenance of the site going forward?
- Anyone thinking people will walk up and down Bank Road is deluding themselves.

- The development will destroy assets of importance (natural flood defences) and have adverse impacts (flooding the town).
- The viability assessment will likely lead to the dropping of quality of life amenities such as the proposed country park or play area.
- No enhancement of services or increase in their range. There is likely to be a service decline.
- With Council cutbacks to public transport and Highways maintenance such as gritting routes the site would be very inaccessible.
- No sustainable design features on the houses.
- Who has the developers arranged to provide a bus service as the local bus operator who they had engaged is no longer trading?
- Potentially poor microclimate and sustainability.

*Additional Comments received after May 2023*

- County Hall and Chatsworth Hall are no longer required by the biggest employer in the local area. What will happen to these buildings? The largest employer is no longer recruiting and they all work from home.

Heritage

- Development will be seen from Victoria Prospect Tower (Grade II Listed)
- Mitigation proposed is not sufficient to protect the heritage assets and is contrary to the Local Plan and NPPF.
- Will destroy a significant amount of sub surface archaeological remains.
- Clear and convincing justification should be shown for harm to, or loss of, the significance of a heritage asset. Wolds Farm is a designated Heritage Asset which also has grade II curtilage listed barns.
- Loss of the setting of the traditional buildings.
- Envelopment of the Wolds Farm Grade II Listed buildings
- The developer admits they do not know what lies within the ground that might be of archaeological interest.
- The DCC Archaeologist has stated the site is 'regionally and nationally rare' and it should be fully excavated and recorded.
- Would cause demonstrable harm to interests of acknowledged importance.
- The archaeological remains found are regionally and nationally rare.
- Congestion could impact the scheduled monument on Lumsdale road if this road is used to avoid the centre of Matlock.

*Additional Comments received after October 2019*

- Concerns the new housing compromises the existing and surviving setting/context of the designated heritage assets.
- The recommendations of the Conservation Officer have not been fully addressed in the revised plans.
- The buffer recommended by the Conservation Officer should be extended to include the entire group of heritage assets.
- Concerns about the archaeology on site.
- Will the recommendations of the County Archaeologist be implemented if permission is granted?
- Will the recommendations of the Conservation Officer be heeded if permission is granted?
- Only 2 of the 4 listed buildings have been afforded a buffer zone. The entire group requires a buffer.

### *Additional Comments received after March 2021*

- The buffer site around the listed buildings should be increased.
- The Wolds site has the potential to be nationally important with regards lead smelting industry pre 16<sup>th</sup> Century.
- Described by DCC Archaeologist as a “Very well-preserved enclosure period landscape”.
- Loss of the setting of the traditional farm buildings at Sandy Lane farm which are a key characteristic of LCT Settled Valley Pastures.
- The archaeological investigation is incomplete.

### *Additional Comments received after May 2023*

- Will affect the character of the conservation area.
- Contrary to protecting the historic environment.
- Archaeological investigation is incomplete.

### Biodiversity

- The ecological assessment does not fully address the ecological value of this pastureland and the proposed mitigation is not appropriate.
- Important wildlife corridor.
- Low stock permanent pasture increases plant diversity and insect life.
- Species on the red and amber list – Reed Buntings and Starlings (Reed Buntings will only nest and breed on wet land)
- Sightings of Hen Harriers which have only recently returned to the UK from Scotland.
- Badgers and bats are present on site.
- The site is a hunting ground for pipistrelle bats, and they roost in local trees.
- The land provides habitat for a wide variety of animal and bird species.
- Loss of established hedgerows.
- The plans do not protect or enhance local habitats, ecological networks or priority species.
- Sightings of birds that feature on the Amber List and Red List for Species of Decline or Severe Decline.
- Contrary to Local Plan Policy PD3
- Destruction of habitat is at odds with the NPPF para-174
- Developer presents a confusing picture of bats on the site with both records of increasing and decreasing numbers.
- Developer dismisses the sightings of endangered birds as probably just passing through.
- All rush pasture would be removed to facilitate construction.
- Any species displaced is unlikely to return after 9 years of construction.
- Irreversible damage to the sensitive and highly prized local landscape and wildlife habitat will have far reaching consequences for the future.
- No mitigation will compensate for the loss of such countryside habitat.
- Concerns about light pollution.
- Loss of bird and wildlife habitat.
- Loss of stone walls which define the Derbyshire Dales.
- Loss of green fields and hedgerows.
- How are the deer, rabbits and bats to be accommodated?
- Visitors to the country park will create noise, litter and disturbance to any wildlife will remaining on the site.

### *Additional Comments received after October 2019*

- The forthcoming Environmental Bill will make it clear that avian habitat must be left in a measurably better state than it was before development.

- Concerns about protected species.
- Contradicts the Council's local plan Biodiversity and the Natural Environment Policy.
- Destruction of a greenfield site
- Harm to biodiversity and geodiversity.
- How can the loss and destruction of wildlife and habitat be justified?

*Additional Comments received after March 2021*

- Destruction of wildlife
- The site had biodiversity and geological value and should be protected.
- Biodiversity net gain has not been given proper and careful consideration.
- Buying another piece of land to off-set the destruction caused just makes no sense. Don't destroy it in the first place.
- Where is the additional piece of land to mitigate the destruction going to be?
- The withdrawal of funding due to the viability assessment will mean that no ecological enhancements will be afforded, this is not acceptable.
- Does not conform to Paragraph 170 of the NPPF.
- No provision to add environmental value or to enhance biodiversity.
- Paragraph 175 of the NPPF: if significant harm to biodiversity resulting from a development cannot be avoided then planning should be refused.
- Paragraph 174 of the NPPF: plans should identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks.
- Unsustainable disturbance of unimproved pasture land.
- The site is a wintering ground for fieldfare and redwing which are on the RSPB's Birds of Conservation Concern- Red list for species in decline.
- Concerns about impact on local ecosystems.
- Buying another piece of land will not compensate the wildlife that uses this area.
- The developer's ecologist and DWT undervalue the rich diversity of the site.
- Legally protected species are present on the site.
- This site no longer meets the emerging policy priorities set out in the recent Environmental Bill.
- The woodland and the fields are interlinked habitats, one cannot survive without the other.
- The ecological value of the site has been vastly downplayed by the developer.
- There are several areas of 'Flush' land/habitat on the Wolds.
- Insufficient evidence exists to accurately assess the level of impact upon protected species.

*Additional Comments received after May 2023*

- The deforestation of Farley Moor and Bottom Moor have not been considered, the EIA has failed in the respect.
- Conservation of this site as a large natural space is of paramount importance.
- The site offers a refuge for a mosaic of species, providing the necessary conditions for their survival and promoting genetic diversity, ultimately preventing widespread ecosystem collapse.
- The current SHLAA rates Ecology as Red.
- Can you provide a guarantee that the hedges on the boundaries of the properties will not be replaced by fencing in the future?
- Obliterate a 100% greenfield site.
- Concerns about wildlife suffering
- Displacement of wildlife.
- Removal of natural hedgerows and old walls which are homes to wildlife.
- Unique habitats cannot be moved or replicated.

- Regulations now require a biodiversity net gain. There is no way this regulation could be met on-site or realistically off-site.
- Objections to removal of large mature oak trees.
- Culverting of the watercourse would contribute to a loss of environmental features and wildlife habitats.

### Housing Mix and Need

- Affordable housing mix is not in accordance with the Development Plan
- No assessment of where the purchasers of new houses will work.
- In 2018 there were in excess of 600 empty properties in the District. These should be brought back into use.
- The Local Plan is already over its Objectively Assessed Housing figure.
- Bungalows on Gritstone Road will have two storey houses towering over them restricting light and amenity.
- There is more need for care homes and social/affordable housing rather than 3,4 and 5 bedroom 2 or 3 storey houses.
- There is no housing for the main age group of the over 65's.
- Does not meet the needs of the current or predicted population in Matlock.
- Concerns about housing types and location being unsuitable for older members of the population.
- Should include innovative building and design to reduce build time and costs.
- Proposed is a tired traditionally designed estate.
- Does not fulfil the need for cheaper housing.
- Houses on adjacent developments are not fully occupied.
- The new houses being built in Matlock are overpriced for many local people.
- The proposed houses are being built very close to existing boundaries.
- Why does Matlock have to accommodate the housing quota for the Peak Park?
- The National Park Effect is not helping - almost 100% of housing allocation must be fit into just 42% of the District.
- There is little sign of contributions to social housing.
- Many new build houses are still on the market and have not been sold since they were built. Is there a need for new housing?
- There are limited local jobs for new homeowners in Matlock.
- A greater number of smaller properties should be proposed.
- Affordable housing needs to be provided across the plan area.
- Application is dominated by larger houses. Housing should address the needs of an aging population.
- AON numbers will be more than achieved with the new housing sites already developed.
- DDDC has already met its quota for new houses.
- Housing mix is contrary to DDDC Policy HC11.
- Derbyshire Dales has the biggest discrepancy between average income and average house price.
- The developer's argument that the gradients of the site make the building of affordable housing financially unviable is a terrible excuse. The site has always had steep gradients.
- The affordable housing mix is not shown.
- The application makes assumptions about the affordable housing mix.
- The types and sizes of houses are not required in this area.
- The first 75 houses do not include any affordable homes and are all large properties.
- A financial arrangement should be in place to ensure that money generated by the first stage to development is set aside for the affordable element.
- The housing mix should include bungalows or Almshouse type dwellinghouses for older people.
- The size and cost of the housing is unsuitable.

### *Additional Comments received after October 2019*

- The OHAN was reduced by approximately 1000 houses, and as a result there was already enough housing in the Local Plan to meet need.
- The housing being built locally is not affordable for most residents of Matlock.
- Applications already approved are not being built very quickly, showing there is little demand for housing.
- The proposed houses are being built very close to existing boundaries.
- With an aging population is it wise to put housing at one of the highest points above the town?
- Derbyshire Dales already has a 5 year supply of housing.
- Please don't build more houses at the top of Matlock.
- There is a need for housing, however not on this site.
- There should be more bungalows and smaller housing options on the site.
- If the developers divert the water table will the clay upon which the existing properties are built dry out and cause cracking of the foundations?
- Concerns that housing is being sold on by our own authority to Nottingham authority and aren't housing local Derbyshire Dales residents at all.
- Objections to the additional proposed housing directly behind Gritstone Road.
- Why are you allowing the development of 4-5 bedroom houses when what we really need is affordable homes?

### *Additional Comments received after March 2021*

- Already 1000+ new build homes above the required quota as required by the government.
- Many underused buildings in Matlock that could be used for additional housing.
- Proposals do not have 30% of the homes allocated for first time buyers and renters.
- Unlikely these houses will be affordable for local people.
- More overly expensive housing for the rich and affluent, nothing left for the locals that require housing.
- We need affordable and rented homes, not 5-bedroom mansions,
- Removing the affordable housing reduces the demographic mix in the community.
- Fails to offer accommodation to the less affluent people in the area.
- The 30% affordable homes should be non-negotiable.
- Fails to meet local plan policy DS4
- Fails Paragraph 127 of the NPPF and Policy PD1 of the Local Plan
- The difficulties of the site should have been assessed prior to submission of an application by the developer, this is not a reason for not contributing towards affordable housing.
- Reducing the affordable housing contribution from 30% to 15% because the developer paid for a site with issues that they did not investigate before purchase is unacceptable.
- Not providing the affordable housing quota is a breach of the Local Plan.
- Do not approve the 'slums of the future'
- Will further increase the average house price in Matlock driving families to surrounding areas that are more affordable.
- Loss of light and privacy of existing residents. Screening proposed is inadequate as proposed housing is on higher ground.
- Additional housing is needed in Matlock but not on this site.
- Concerns these properties will be used as holiday lets.
- No financial information has been provided to support the reduction in the affordable housing provision.

### *Additional Comments received after May 2023*

- Issues concerning the full application include the unacceptable low provision for affordable housing.
- Inadequate amount of stone facing and excessive use of red and brown bricks, not in keeping with the character of the local area.
- Screening between proposed development and existing properties is inadequate.
- Too many houses being crammed into a steeply rising site.
- The proposal is contrary to a crucial condition of the land release policy.
- The price of the housing by this developer is insupportable.
- Does not include a decent amount of affordable housing.
- Pre-existing properties on the border of the site will lose privacy, light and amenity.
- Other than government targets I see no need for further housing.
- With mortgage rates what they are affordable housing is needed now more than ever.
- First time buyers are not able to afford the new housing in Matlock.
- There are very few additional employment opportunities in the area so no need for more housing.
- Could the old Council buildings not be converted to housing if more is required, rather than building on greenfield sites?
- Houses that were built several years ago have still not sold and are being advertised as potential holiday lets.
- Only 14% of this development will provide affordable homes.
- Properties are not being built in line with local salaries.
- Some housing is needed but can be met elsewhere.
- There must be a review of local needs and delivery by the Council and Housing Associations.
- More housing may be required but this is not the right place for it.
- There would need to be added protection for residents so that they do not have ongoing ground rent condition which are not capped.
- Better spacing and green recreational and species habitat should be included in the development.

### Impact on Residential Amenity

- The size and scale of the houses adjacent to High Ridge are dominating and overbearing.
- Visually intrusive and loss of privacy for local residents.
- Concerns about overlooking and privacy of current residents.
- Lack of consideration of current residents in terms of disruption.
- The nine-year time scale for development is obscene.

### *Additional Comments received after October 2019*

- 9 years of construction traffic is unthinkable.
- Impacts on the quiet nature of Gritstone Road and Bentley Close.

### *Additional Comments received after March 2021*

- Loss of light and privacy to existing residents.

### Environmental

- Contamination of the land by historic lead smelting.
- High levels of ground gas, carbon dioxide and radon gas.
- Further assessments of the soil are needed to ensure no contamination or pollutants enter the water courses or the atmosphere.
- Concerns about noise and vibration during 9 years of construction.

- Will inflict unsupportable levels of pollution on students at Highfields School.
- Concerns about pollution during construction.
- Building works will create high levels of visual disturbance, pollution and heavy vehicles on residential roads.
- Concerns about the high levels of lead in the soils on site and how pollution will be mitigated both in watercourses and in the air.
- Concerns about the cumulative effect of mess, dirt, dust and noise on local residents during construction.
- Concerns about radon gas being disturbed.
- Noise pollution from increase in cars.
- Concerns about light pollution- contradicts the NPPF para 180.
- Hot food takeaways should not be sited within a residential area- hours of opening, smells and noise disruption will disturb residents.
- Altitude of the site will result in the site environmental conditions including higher winds, lower temperatures and greater incidents of snow and ice.

*Additional Comments received after October 2019*

- Fumes and dust from increased traffic could have serious impacts on the health of residents.
- Loss of green space will have a detrimental impact on the mental health of residents.
- The proposed houses adjacent to Gritstone Road are only 10m from existing properties and at an elevated position causing severe light and noise pollution to these homes.
- Concerns about littering of footpaths through urbanisation.

*Additional Comments received after March 2021*

- How do the council and developer intend to protect people's health from pollution during the 9 years of development?
- The health of residents should not come second to the profit of the developer.
- They admit NO<sub>2</sub> levels will rise.
- Has anyone calculated the amount of carbon that will be released from the soil that will be removed from site?
- The Wolds had been assessed by DCC as an Area of Multiple Environmental Sensitivity.
- 400 plus new homes will include many with log burners which in turn will increase air pollution.
- Hazards to child health.
- Overload of local road capacity will increase air pollution and noise.
- Concerns about environmental damage.
- Elevated position will not allow for any protection from light pollution- 'Planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation' P29 NPPF.
- Belper is presently having problems from the sewage being piped from Matlock down river. Another 450 houses will not help this.
- Air pollution in Matlock needs to be comprehensively assessed.
- As yet, the soil contamination of the site with lead has not been addressed by the developer, nor a solution suggested.
- Adds to the carbon footprint.
- Plans do not promote the minimising of pollution.
- The plans worryingly include dumping contaminated lead into wildlife habitats.
- The area is already up to capacity with Sewage Dumps at 99% in areas of Matlock.
- An email from Environmental Health has stated that the NO<sub>2</sub> emissions and reliability data for the Chesterfield Road area from 2019 cannot be relied upon. The developer has used this to base a report on.



- Any pollution figures taken during the Coronavirus lockdown cannot be relied upon.
- Pollution figures used by the developer in support of the application have been used to minimise the issues.
- Could cause a breach of the noise and statutory nuisance act.
- Area of Multiple Environmental Sensitivity.

*Additional Comments received after May 2023*

- Foul waste surcharge has been evidenced during heavy rainfall in the current drainage network which is over capacity and cannot serve any more new homes. This is creating a public health hazard.
- Increased pollution levels due to increased traffic on the roads.
- Concerns about increased litter.
- Soils on site are contaminated by lead. A site for moving soil elsewhere has not been agreed. The new Environment Act soon brings carbon capture and release under control.

Climate Change

- No use of renewables or energy standards to be followed (NPPF para 151)
- In a time of climate change, any planning decision that increases the level of outward commuting by car must be regarded as highly irresponsible.
- No strategy for how they will deal with climate change.
- Permanent grass land is important as a resource to soak up surplus CO2.

*Additional Comments received after October 2019*

- Derbyshire Dales performs poorly when compared to other areas with regards climate change.
- This proposal is negative in a response to climate change as the Wolds is an invaluable carbon sink.
- Goes against the climate emergency declaration.
- No evidence of proposed solar panels or air source heat pumps.
- Now that the District Council has declared a climate emergency how can the destruction of 60 acres of invaluable Carbon Sink be justified?
- How can the un-sustainable location a mile from basic services be justified when this will increase car use?

*Additional Comments received after March 2021*

- Increased greenhouse gases
- The loss of vital Greenfield Sites that act as a carbon sink to combat the climate change would be devastating to our town.
- 3x one-in-one-hundred-year flooding events in the last 18 months.
- The Council has declared a climate emergency since this application was submitted in 2018.
- No evidence of any plans to use air-source or ground source heating solution, provide solar panels or other sustainable energy production methods.
- Wasted opportunity to construct sustainable, well insulated, non-gas-heated homes to assist in the reduction of CO2.
- The concrete manufactured for the road infrastructure and hard landscaping alone will produce thousands of tonnes of carbon and the exhausts, tyres and brakes from additional cars will pollute the air.
- Does not conform to Paragraph 11 of the NPPF.
- The development and its excavations will cause many thousands of tonnes of CO2 to be released from the soils of the 24.16 hectare site.

- The Wolds area of Matlock is natural and perfect Carbon emissions sink area.
- This will have a devastating effect on the Council's carbon neutral plans.
- Please save our planet by not building on Greenfields.
- The removal of the large carbon sink are release of greenhouse gas emissions from the building of this development, the road infrastructure and the resulting ongoing carbon emissions from the extra traffic and domestic release from new homes that are not net zero carbon or even comply with the 2025 Future Homes Standard is working against the legal requirements to be net carbon by 2050.
- All new housing developments should be green and sustainable with solar panels and triple glazing.
- All houses should have no mains gas and should be fuelled by solar panels and ground source heat pumps.
- All houses should have an EV charging point.
- Will the properties be carbon neutral?

#### *Additional Comments received after May 2023*

- No innovation being applied in the plans to reduce climate change.
- No proposed collar panels or ground source heat pumps.
- The site is ecologically important especially in light of the climate change emergency the Council has declared.
- Houses need to have better sustainability credentials.

#### Other Matters

- Footpaths around the site are regularly used by walkers, equestrians, mountain bikers and tourists for recreational use.
- Nothing in the proposal about energy efficiency or energy use.
- No community centre is proposed for this area.
- Concerns about emotional and physical health of existing residents during construction.
- The district council has designated part of the Wolds site as a priority 4 site which is deemed inappropriate for development due to insurmountable constraints.
- Comments given at the public consultation have not been addressed.
- The total gross floor area for the shop should be confirmed. There is a discrepancy in the submitted information.
- The gridlock in Matlock is going to result in a loss of tourism in the town.
- No offers to the nearby residents of window cleaning or reduced council tax during the construction disturbance.
- Requests for a green buffer between the new homes and existing homes adjacent to the site.
- Impact on housing prices adjacent to the site during construction.
- Money making exercise by developers.
- Concerns about increase in crime and theft.
- Lack of employment opportunities in the local area.
- Other sites already approved should be built first and the impact assessed before anything else is considered.
- Retail and food outlets have previously struggled to survive at this end of the town.
- There is a well-loved path through the site used by many.
- Employment in the area is decreasing so where will the residents work?
- Impact on tourism.
- No entertainment or amenities for young children in the area.
- Concerns about the ownership and liabilities of the open space areas, including the attenuation measures, drainage, and other flood prevention measures and how these will be handled if the developer becomes insolvent.

- A construction method statement should be conditioned to mitigate and control impacts to residents.
- Disturbance of a tranquil area.
- The Chairman of the Council refused at the public meetings to allow residents of the Gritstone Road/Cavendish Park area, who are most affected by this application, time to air their objections in full.
- Detrimental impact to the whole Town.
- The fast food and retail outlet was not included on the outline application when it was displayed.
- The area for the 'country park is just too expensive to develop housing on.
- No crime prevention measures have been proposed for the footpaths close to the back of houses on Gritstone Road.

*Additional Comments received after October 2019*

- Opposition to a hot takeaway on the site causing disturbance to local residents.
- Employment in the area is decreasing not increasing.
- Concerns that the LPA and the Council are not listening to local residents.
- Adverse impact on the health and wellbeing of existing residents in the area.

*Additional Comments received after March 2021*

- The person in charge of planning must be cognitively impaired if he thinks these two projects (flood defences and this development) can sit side by side, benefitting our community and thought of as 'good ideas!'
- Nature is crucial for our wellbeing.
- Providing just two site notices on Gritstone Road with none on Bentley Close or Wellington Close is insulting to residents on these roads.
- The presentation of these documents on the website is very confusing.
- Residents think this is ridiculous.
- A beautiful place to live is now somewhere we are all dreading living in amongst.
- If this is good decision making when you know you have other options, then you don't deserve to be in the position you have gained.
- How long is a planning application allowed to stay open for and remain valid?
- The determination deadline was supposed to be the 11<sup>th</sup> of March 2019.
- An approved application is only valid for 3 years, surely the developer should be asked to withdraw the application and re-submit in line with updated policies and guidelines.
- The application should be dismissed due to being out of date due to the decision date having passed 2 years ago, not taking into consideration current legislation and also not being compliant with the Council's own Climate Change Policy.
- No affordable housing and no sustainable infrastructure development unless the taxpayer foots the bill.
- The Council should consider introducing rules to prevent a percentage of developed buildings from being purchased by non-local residents.
- Documentation submitted is 2 years out of date.
- It is not the Council's job to make sure this application is viable for the developer, it is to ensure that the current population of the Derbyshire Dales can buy houses that are affordable so they can live and work in the area.
- Residents have received legal letters from the applicant which show the bullish, petulant attitude of the developers.
- Distrust of the developers after issues with other sites in the area.
- Concerns about impact on tourism.
- At the Local Plan stage a case should have been put forward to have the number of new homes reduced due to the Peak Park effect like other Local Authorities have done.
- Impacts on public health, public safety, public interest and the environment.

## Additional Comments received after May 2023

- The volume of additional information and the delays to the submission of it is unhelpful.
- The planning process, used for this particular housing development site, is simply not fit for purpose.
- Disappointment at the handling of this application and the number of times the public have been called to comment.
- This should have been 'put to bed' years ago.
- Please keep Matlock a nice place to live and visit.
- Why are these proposals still being debated with so little support from the local community?
- Shift workers will not be able to sleep during the day due to the disruption and noise of the builders.
- We are running out of green areas within walking distance of the Town.
- Cash strapped Council cannot afford the legal work to enforce against lapses in contributions and affordable housing.

Some of the representations received contained technical information on the adequacy of the local road network, link road, its construction and the suitability of the proposed land drainage system.

Wolds Action Group have submitted a letter dated March 2024 from a solicitor which highlights that there are legitimate outstanding concerns, which have not been satisfactorily addressed and cannot be left until the reserved matters stage. They emphasise that drainage and flooding issues could not be considered at reserved matters stage, and the information required would clearly fall outside the remit of reserved matters and therefore the Local Planning Authority would have no right to consider these issues at that stage.

In support of the application the following comments received after March 2021 have been made:

Absolutely incredible development. It will transform a hideous swamp into world class housing and amenities. Fully supported by the residents of Gritstone Road.

## **7. OFFICER APPRAISAL:**

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the purposes of the Act is the Adopted Derbyshire Dales Local Plan (2017). The National Planning Policy Framework (2023) is a material consideration in respect of this application.
- 7.2 The Adopted Derbyshire Dales Local Plan (2017) comprises the development plan for the area.
- 7.3 As evidenced by the sheer volume of representations received there is significant interest in the application from the local community, with the overwhelming majority of contributors raising objections to the proposals on fundamental planning and technical grounds. Such matters (where relevant) are considered in detail when considering the main material planning issues outlined below.
- 7.4 The development, in its amended form, is presented in two parts in the form of a hybrid application. Full planning permission is sought for 78 residential units with site access, open space, landscaping and surface water attenuation and outline permission, with all matters reserved apart from site access, is sought for up to 345 residential units, Class E 'Commercial' uses including Retail and a Restaurant / Cafe, a Hot Food Takeaway (Sui

Generis) Unit and Open Space including a Country Park and Play Area and associated landscaping and surface water attenuation.

- 7.5 The application was registered by the Council as a valid application on 19 November 2018. The validation followed a scoping request dated 28<sup>th</sup> September 2016 which the Council responded to on the 21 November 2016. The application was first advertised as being made under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ('EIA Regulations 2017'), whereas in fact it should have been under the 2011 Regulations ('EIA Regulations 2011') by reason of the transitional provisions in regulation 76(2) of the EIA Regulations 2017. This has since been corrected and the application has been advised as being made under the EIA Regulations 2011 in respect of the amendments and addendum to the Environmental Statement.
- 7.6 The aim of Environmental Impact Assessment regime is to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision making process. The regulations set out a procedure for identifying those projects which should be subject to an Environmental Impact Assessment, and for assessing, consulting and coming to a decision on those projects which are likely to have significant environmental effects.
- 7.7 The scoping exercise sought to determine the extent of issues to be considered in the assessment and reported in the Environmental Statement. Government guidance advocates that local authorities and developers should limit the scope of assessment to those aspects of the environment that are likely to be significantly affected. In the case of this application the aspects of the environment considered are borne out of planning policy and other material considerations and include:
- Landscape and Visual Impact
  - Biodiversity
  - Transport of Access
  - Historic Environment
  - Hydrology and Drainage (including Flood Risk)
  - Ground Conditions and Contamination
  - Air Quality
  - Noise and Vibration

The socio-economic and cumulative impacts of the development are also considered. These matters consider the evidence base that underpins the development plan. Such matters, and the need for the development in socio economic terms is covered in the policy context / principle section of this report.

- 7.8 These issues form chapters of the Environmental Statement and have been made available for examination and comment and appropriate publicity undertaken in accordance with the requirements of the 2011 EIA Regulations. As set out in the consultation section of this report four separate rounds of publicity and consultation have been undertaken following receipt of the application in November 2018, amendments to the scheme in October 2019 and under regulation 22 of the Environmental Impact Assessment Regulations (2011) following additional information received in respect of the Environmental Statement and associated amendments to the proposals in May 2021 and June 2023.
- 7.9 The culmination of this publicity and consultation is considered when appraising the main material issues, pertinent to the assessment of this application. In addition to the aspect of the environment that are likely to be significantly affected, the following matters also

require consideration, having regard to the relevant policies of the development plan and guidance contained within the National Planning Policy Framework (NPPF) and comments from the statutory consultees and contained in the representations received:

- Policy Context / Principle
- Landscape and Visual Impact
- Biodiversity
- Transport and Access
- Historic Environment
- Hydrology and Drainage (including Flood Risk)
- Ground Conditions and Contamination
- Air Quality
- Noise and Vibration
- The appropriateness of the layout, scale and appearance of the development and associated landscaping
- Viability, affordable housing provision and housing mix
- Infrastructure requirements and developer contributions
- Open space provision
- Climate Change

### **Policy Context / Principle**

- 7.10 The site is allocated within the Adopted Derbyshire Dales Local Plan (2017) for residential development (Policy HC2 (w)) comprising approximately 430 dwellings on land off Gritstone Road and Pinewood Road, Matlock, as defined on the Policies Map. In recognition of the strategic importance of the site to meet the District Councils housing needs, the development of the site is covered under strategic site allocation policy DS4.
- 7.11 The preamble to Policy DS4 of the development plan advises that the site is likely to come forward over the whole of plan period up to 2033. The plan recognises that care will need to be given to the design and layout of the site in order to ensure that development is able to be assimilated into the landscape in this location, given the elevated nature of the site and that there are a number of other environmental matters that will need to be addressed.
- 7.12 The settlement framework boundary for the town extends out to the north of the town and includes the strategic land allocation. Matlock is a tier 1 settlement in the Adopted Derbyshire Dales Local Plan (2017). Tier 1 settlements are the largest settlements in the plan area. These accommodate the majority of the District's population, services and facilities. The spatial strategy seeks to focus to future growth in these settlements and to strengthen their role as service centres. It is recognised that they will provide significant levels of jobs and homes, together with supporting community facilities and infrastructure.
- 7.13 The development strategy for Matlock (policy S7) contained within the development plan states that in order to achieve the sustainable growth of the town, housing to meet the needs of the community will be provided by allocating suitable and deliverable sites in the plan, including the delivery of appropriate levels of affordable housing to meet local needs.
- 7.14 Strategic policy DS4 advises that development will be subject to compliance with adopted Local Plan policies and:
- Preparation of a comprehensive layout and site Masterplan for the development which provides for no built development (except essential flood risk and highway infrastructure) on the upper northern slopes beyond the extent of the protected

Derwent Valley Aqueduct on the western side of the site (west of the existing reservoir).

- The scheme should incorporate community facilities including a local centre, proportionate in size to serve the needs of future residents of the site.
- Preparation of a phasing plan to secure the provision of a link road through the development from East to West (Gritstone Road to Pinewood Road) to be completed before 150 dwellings are constructed on the site and to secure any required improvements to Gritstone Road.
- Preparation of a Transport Assessment and Travel Plan, including full highways design, specific consideration of public transport routes, improvements to existing and development of new pedestrian/cycle routes.
- Provision of the required proportion of affordable housing and provision of an appropriate mix of housing types to meet the needs of the community.
- A comprehensive landscaping plan, including the retention of existing dry stone walls as features within open space network. Woodland planting to be retained to screen development to the northern boundary.
- Provision of open space and green infrastructure on site with links established to the wider countryside.
- A Historic Environment Assessment. The scheme should consider the impact of development on the setting of heritage assets, including the setting of the Grade II Listed Wolds Farmhouse and the identification of appropriate mitigation measures as required.
- A desk and field based archaeological assessment, including the identification of appropriate mitigation measures as required.
- A site specific flood risk assessment in accordance with the findings of the Derbyshire Dales Strategic Flood Risk Assessment and focuses on the other sources of flooding (including surface water and groundwater). Development shall have regard to the need to ensure sufficient capacity in the local sewage network and receiving sewage treatment works.
- A developer contribution towards the provision of infrastructure, educational services and other community services including open space, as required.
- Ecological Assessment (Le. desk based and field-based assessments, habitats/species assessments/mitigation proposals).

7.15 The above comprise specific requirements that should be addressed for the site during the consideration of the application. They should be considered in the context of other requirements of development plan policies, which will be referred to in the relevant sections of this report and other material considerations.

7.16 Although the application excludes the former playing field part of the site allocation, which is owned by the County Council the quantum and nature of the development falls within that specified in Policy DS4 and is deemed essential to the to the delivery of the development plans spatial strategy and overall vision.

7.17 The National Planning Policy Framework (2023) (NPPF) states at paragraph 11 that plans and decisions should apply a presumption in favour of sustainable development. For decision making this means approving development proposals that accord with an up to date development plan without delay as required by paragraph 11c).

7.18 Paragraph 11 d) advises that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed [7] ; or

- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In respect of footnote 7 the policies referred to are those in the Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 187) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 72); and areas at risk of flooding or coastal change.

- 7.19 In this case the site and proposed development is allocated in the development plan and is essential to the to the delivery of the development plans spatial strategy and overall vision. It is not therefore considered to be out of date for the purposes of paragraph 11 d), in the circumstances where the Council is unable to demonstrate a 5 year housing land supply and where the development plan is more than 5 years old and in the early stages of its review.
- 7.20 NPPF paragraph 12 advises that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

### **Landscape and Visual Impact**

- 7.21 Development plan Policy S1 states that development should conserve and where possible enhance the natural and historic environment, including settlements within the plan area. Policy PD1 requires all development to be of high-quality design that respects the character, identity and context of the Derbyshire Dale's townscapes and landscapes.
- 7.22 Policy S4 s) states that permission will be granted for development where it does not undermine, either individually or cumulatively with existing or proposed development, the physical separation and open undeveloped character between nearby settlements either through contiguous extension to existing settlements or through development on isolated sites and land divorced from the settlement edge.
- 7.23 Policy PD5 deals specifically with landscape character and states that the Council will seek to protect, enhance and restore the landscape character of the area. This will be achieved by requiring that development has particular regard to maintaining landscape features, landscape character and the setting of the Peak District National Park. Development that would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement will be resisted.
- 7.24 Policy PD1 deals with Design and Place Making and states that development will only be permitted where the location, materials, scale and use are sympathetic and complement the landscape character, natural features (including trees, hedgerows and water features that contribute positively to landscape character) are retained and managed and opportunities for appropriate landscaping are sought such that landscape characteristics are strengthened. Strategic site allocation DS4 prohibits built development (except essential flood risk and highway infrastructure) on the upper northern slopes beyond the extent of the protected Derwent Valley Aqueduct and requires a comprehensive landscaping plan, including the retention of existing dry-stone walls as features within open space network. Woodland planting to be retained to screen development to the northern boundary.



- 7.25 Policy PD6 states that development should seek where appropriate to enhance and expand the District's tree and woodland resource amongst other considerations.
- 7.26 Strategic policy DS4 requires a comprehensive landscaping plan, including the retention of existing drystone walls as features within open space network, woodland planting to be retained to screen development to the northern boundary and the provision of open space and green infrastructure on site with links established to the wider countryside.
- 7.27 The above provisions align with policies contained within the National Planning Policy Framework. In achieving well-designed places paragraph 135 of the framework states that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities) amongst other considerations.
- 7.28 Paragraph 180 of the framework advises that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan). As is evident from the representations received, the current green fields are valued by the local community. The site is not, however, protected by any national or local landscape designation and is not a valued landscape in terms of paragraph 174 of the NPPF. Although visible from the PDNP, the site does not form part of the National Park's immediate setting to the extent that it would harm this designated landscape, particularly when viewed against the backdrop of existing development and the extension of the town to the north from higher ground. The site also comprises poor quality (grade 4) agricultural land based on the Natural England maps.
- 7.29 The Landscape and Visual Impact Chapter of the Environmental Statement (ES) has been updated to reflect the amendments to the development, including an increase in the number of dwellings from 415 to 423, the enlargement of the attenuation basins within the countryside park and phase 1 and an increase to the area of grassland proposed to the countryside park. The applicant's consultant Urban Wilderness, undertook a further site visit and wider study to understand whether the baseline situation described within the original ES chapter was still pertinent. They advise that the baseline situation and the current proposals and mitigation remain fundamentally the same as those reported within the original LVIA and that the conclusions of the original ES Chapter 6 LVIA remain relevant to the updated application, namely:
- The Proposed Development seeks to meet both local and national planning policy and opportunities identified within the national landscape character assessment.
  - The Proposed Development as illustrated by the masterplan delivers a scheme that is in scale and character with the local landscape and is well related to the nearby settlement. A robust and extensive landscape strategy for the Site has been developed which includes the provision of new Green Infrastructure and a major feature being the new Countryside Park. The Green Infrastructure will include new native tree planting and the swales and ponds of the SuDS within areas of open space. The new Countryside Park ensures that the development both retains and enhances the character and local distinctiveness of the existing landscape. The park will include the retention of existing trees, hedgerows and stone walls as well as the provision of new areas of open grassland, streams, micro pools and damp hollows with reeds and areas of species-rich wet/dry grassland.
  - In line with the recommendations within the Statement of Opportunities for NCA 51, the scheme includes the extension of areas of existing native woodland and the

retention of drystone walls within the Countryside Park. The Proposed Development limits any impacts on the setting of Wolds Farmhouse, a listed building, by the provision of a landscape buffer along the nearby part of the Site boundary.

- The construction of Phase 1 of the Site will negate views to Phases 2, 3 and 4 of the Site from views to the east along Sandy Lane. Views from a distance from footpaths MPF 45, 52, 78 and 79 are considered to be of Moderate Adverse significance as, whilst they take in the Site, views are partially screened and distant.
- In conclusion, the Proposed Development extends the northern, urban fringe of the town of Matlock on the upper middle slopes of the Derwent Valley. It establishes an environmentally sustainable edge to the settlement and is defined by and set within the existing framework of woodland on high ground to the north and woodland belts extending down from higher ground to the west.
- Its visual impact is moderate when seen from afar and these, as well as substantial/moderate adjacent views and can be mitigated within the design of the Proposed Development. The form of the Proposed Development means that the extension to the town can be integrated in a visually constrained manner.

7.30 Within the representations received concerns have been raised regarding the landscape and visual impact of the development, with reference given to key views such as from the public footpath, the subject of the recent Definitive Map Modification Order (DMMO) claim along the western edge of the site to Hurker Wood, the Peak District National Park and Riber Castle. The County Council in their consultation comments have indicated that the landscape and visual impact will be significant in terms of the Council's landscape strategy as it will destroy an area of attractive landscape above the existing development limits of the town and will be seen from many viewpoints, including from the Peak District National Park.

7.31 Concerns have been raised regarding the robustness of the applicant's analysis of the landscape and visual impacts of the proposed development. It is considered that some of the effects on the landscape character and visual amenity of the locality have been underestimated as part of the applicant's Environment Statement and the significance of these effects has been under assessed.

7.32 As part of the Strategic Housing and Employment Land Availability Assessment (SHELAA) in 2022 the site was assessed in terms of its suitability for development as part of the development plan review work. Although the site scored red in landscape terms, it was recognised that the visual impacts of any development could be reduced if the area of proposed development was to be confined to the southern central part of the site close to the existing housing. It was also recommended that mitigation proposals should include retention of existing field boundaries, native tree planting to strengthen these along with generous native tree planting to the southern boundary to soften impacts to distant views. The consultant engaged in this high-level assessment work advised that the most sensitive part of the site in terms of landscape impacts is the small valley to the centre and northwest part of the site and impacts would be reduced by avoiding any development here. They go on to state that appropriate mitigation would be to provide additional wet grassland/marsh habitat in areas which are currently lacking in biodiversity.

7.33 The recent SHELAA assessment is consistent with the Local Plan Inspectors findings in respect of the examination of the current development plan and strategic aims of policy DS4 in terms of landscape impact. The Local Plan Inspector in agreeing to the site being allocated recognised that whilst there are footpaths along its western and eastern edges, the former leading into the woodland, the site is not only clearly visible from these paths and housing to the south but also in longer distance views from across the valleys. The

Landscape Sensitivity Study that underpinned the current development plan indicated that land in this area adjoining the urban edge is of low sensitivity rising to medium and high sensitivity further up the slopes. It was determined that whilst housing development would significantly change the site's character, developing up the northern slopes of the valley is one of the ways that Matlock has expanded over the years, including in the Victorian and Edwardian eras. The strategic allocation also includes provisions to ensure that development would be kept to the south of the aqueduct thereby maintaining an open landscape on the upper more sensitive slopes towards the woodland.

- 7.34 The Site is located within the Settled Valley Pastures Landscape Character Area of Derbyshire Dales. It does not include any landscape designations. Having regard to the range of factors identified in the ES to determine landscape value, the moderate to low landscape value and medium sensitivity to change is considered to be accurate.
- 7.35 The extent of existing development, rising up the landscape and topography of the site is such that new development will not break the existing skyline, with views of higher ground and the woodland beyond maintained. The development will also adjoin the existing settlement and be focused on lower ground, below the level of the aqueduct.
- 7.36 Reference is made to the development being visible from Limestone Way, Black Rocks and Masson and High Tor in the representations received. In addition to these designations / heritage assets there are a number of listed buildings including Wolds Farm House (Grade II Listed) and Rockside Hall to the south of the site. Open views from Wolds Farmhouse, to maintain / conserve its connection with the wider countryside can be achieved as set out in the supporting information and indicative layout of the later phases of development. Views from the designations / assets identified would be against the backdrop of existing development and would be filtered by existing topography and landscape features and would not be harmful in landscape terms or to the setting of these designated heritage assets.
- 7.37 The submitted Landscape and Visual Impact Assessment identifies all of the designations further afield. There is limited or no intervisibility between the site and these designations to the extent that no or very limited effects are predicted.
- 7.38 On a national scale the site is located within the southern portion of the National Character Area Profile '51' Dark Peak (NCA 51), which includes six district landscape character types including the Settled Valley Pastures Landscape Character Area within which the site is placed.
- 7.39 Having regard to the characteristics of the national and local landscape character areas, the sites contributions to the landscape and tolerance to change it is considered that the site can accommodate the development proposed within the parameters set out without detriment to the landscape, despite the moderate scale change identified.
- 7.40 Having regard to the visual receptors including from the public footpath along the western boundary of the site, the subject of the recent Definitive Map Modification Order (DMMO) claim, PRow no. 3, Matlock and views from the highway network it is not considered that any unacceptable visual intrusion would result. Development along Sandy Lane will be of a farm grouping appearance / vernacular and single storey on lower ground. Set behind a hedge and across falling ground no unacceptable visual impacts would result. The same applies in the case of footpath, the subject of the recent Definitive Map Modification Order to the west of the site, where an appropriate buffer and fingers of green infrastructure can be introduced to minimise the effects of the development.
- 7.41 The Site is not within the Peak District National Park. The boundary of the Park lies approximately 4km to the west. Views to the site from the National Park are largely filtered

by the steep topography and small woodland blocks including Goodwin's Wood on the higher ground. Views from the north and from the southern slopes of the Derwent Valley are also limited by the steep topography, intervening vegetation and the urban edge of Matlock. There will be views from higher ground to the south from within the Peak District National Park, however, the development will appear as a narrow finger of development beyond existing development and will result in no harm to its landscape setting.

- 7.42 The amount and nature of the proposed development can be achieved on site without resulting in unacceptable impacts in landscape terms. To minimise the effects careful consideration needs to be given to the appropriateness of the layout, scale and appearance of the development and associated landscaping. This is covered in a later subsection below.

### **Biodiversity**

- 7.43 Policies S1 and PD3 of the Adopted Derbyshire Dales Local Plan (2017) state that the Council will seek to protect, manage and where possible enhance the biodiversity and geological resources of the area by ensuring that development will not result in harm to biodiversity or geodiversity interests and by taking account of a hierarchy of protected sites. This will be achieved by conserving designated sites and protected species and encouraging development to include measures to contribute positively to overall biodiversity and ensure that there is a net overall gain to biodiversity. These provisions are supported by the NPPF, paragraph 180 (paragraph 174 in an earlier iteration) of which advises that planning decisions should provide net gains for biodiversity.
- 7.44 Policy PD4 of the Adopted Derbyshire Dales Local Plan (2017) deals with Green Infrastructure and states that the District Council will through partnership working, develop, protect, enhance and secure the long term management of green infrastructure networks, by requiring that development will not have a detrimental effect on the amount or function of existing green infrastructure unless replacement provision is made that is considered to be of equal or greater value than that lost through development; taking particular account of appropriate levels of mitigation where development would result in habitat fragmentation; requiring that any green infrastructure development project that could result in adverse effects to a European site is subject to project-level HRA and appropriate mitigation put in place; requiring that through its layout and design, new development responds to the location of existing green infrastructure and ecological networks, supporting their appropriate uses and functions and identifying and protecting key wildlife corridors and stepping stones that connect sites of importance for biodiversity, including creating or restoring habitats of nature conservation value amongst other considerations.
- 7.45 Strategic policy DS4 of the Adopted Derbyshire Dales Local Plan (2017) requires that any application to develop the site is accompanied by an Ecological Assessment (i.e. desk based and field based assessments, habitats/ species assessments/mitigation proposals).
- 7.46 At the time of submission of the original application survey work and extended phase 1 habitat surveys were undertaken, which identified the habitats present on site. The extended phase 1 habitat surveys considered all relevant aspects of ecology in order to provide sufficient detail to identify and assess the overall habitat pattern of the site and associated linkages relevant to the proposals, highlighting the terrestrial habitats present, assessment of the current ecological status and sensitivity, particularly in relation to any statutory designations, identifying presence or possible presence of protected species and where possible, identifying commonly encountered invasive species (including Japanese knotweed; Giant Hogweed and Himalayan Balsam) or other notifiable flora

species. Following analysis of the survey results phase 2 protected species surveys were undertaken for bats, breeding and wintering birds, badgers and reptiles.

- 7.47 The site does not form part of any statutory or non-statutory site of nature conservation. Matlock Woods Site of Special Scientific Interest (SSSI), Cawdor Quarry SSSI, Masson Hill SSSI and Matlock Parks Local Nature Reserve (LNR) lie approximately 1.7km to 2km+ to the south/south west of the site and there are a number of non-statutory Local Wildlife Sites (LWS's) and Potential Wildlife Sites within 2km of the site. Part of the Peak District Dales Special Areas of Conservation (SAC) is located 2km to the south of the site.
- 7.48 To the north of the site is an extensive area of mixed woodland plantations and broadleaved woodland, adjacent to which is Matlock Moor (both Local Wildlife Sites), an area of rush pasture and purple-moor grass, on a high ridge overlooking the northern urban fringe of Matlock.
- 7.49 A number of hedgerows intersect the site. These were all surveyed and were not considered 'important' under the Hedgerow Regulations 1997 due to an insufficient number of woody species within each recorded 30m section.
- 7.50 The survey work undertaken found no evidence of reptiles, a range of mostly common breeding and wintering bird species representative of the prevailing habitats present, no evidence of ground nesting birds, foraging and commuting activity predominantly from common pipistrelle bats, no evidence of roosting bats within trees, the local landscape is not suitable for great crested newts due to a general absence of ponds and that no suitable habitat is present for other species such as water vole, otter or crayfish. Survey work in relation to badgers was also undertaken, which identified the value of the site to this species.
- 7.51 The District Council has a Service Level Agreement with Derbyshire Wildlife Trust, who provide the Local Planning Authority with ecology advice on planning applications it receives. Derbyshire Wildlife Trust were satisfied that the survey work was acceptable and advised that the buffer between the built area and the western tree line should be greater to safeguard this confirmed commuting corridor for bats. They advised that housing and a residential road are immediately adjacent and lighting was a concern and that it should be properly buffered by a wider continuation of informal greenspace and recommended that care should be taken not to plant too many trees within wildflower areas, as this will add nutrients to the grassland, create shade and generally make mowing more difficult. Conditions to secure effective management in perpetuity to ensure that habitats created provide meaningful nature conservation benefits in the long-term were recommended. Derbyshire Wildlife Trust did not undertake a site visit at that time.
- 7.52 Following receipt of the updated ecological information submitted in 2021 Derbyshire Wildlife Trust advised that although the original Biodiversity Chapter in the ES made reference to net gain in foraging/nesting/commuting habitat for various species and also to net gain in tree and shrub planting across the site, losses and gains were not quantified at the time and no use was made of the DEFRA metric, which whilst available was still undergoing development. The direction of travel and quantitative assessment of biodiversity needed to be addressed at this point. Derbyshire Wildlife Trust visited the site in 2021 and considered that the habitats associated with the flush / valley feature to be of higher botanical importance than currently assessed, comprising rush pasture and lowland dry acid grassland (Habitat of Principal Importance, Section 41 Natural Environment and Rural Communities Act 2006). The proposals resulted in the total loss of these habitats to accommodate the land remediation and drainage works.
- 7.53 Derbyshire Wildlife Trust in 2021 considered that the development was contradictory to both local and national planning policies due to the adverse impacts to habitats of

principal importance, resultant loss in biodiversity and 'unacceptable loss' of notable habitats and adverse impacts to species of principal importance.

- 7.54 A further addendum to the biodiversity chapter of the ES was submitted which included an update to the Biodiversity Net Gain assessment using the Defra v3.1 metric calculator, a National Vegetation Classification (NVC) survey of the grasslands within the area that will become a 'Countryside Park' and a method statement for the in-situ conservation of rush pasture and grassland of ecological interest within the area that will become a 'Countryside Park'. The residual impacts of development were assessed in the Revised Biodiversity Chapter to be moderate beneficial impact.
- 7.55 The submitted BNG plan indicated that there would be a net gain of 2.63% habitat units and 57.57% hedgerow units delivered on site. The presence of a rush pasture type grassland / mire communities in the low-lying areas of the valley was confirmed and a draft method statement for grassland translocation was prepared.
- 7.56 The draft method statement for the translocation of habitat of principal importance states that the attenuation ponds can be engineered to mimic the existing flow rates and discharge levels within the existing flushes. The report goes on to say that under these circumstances there is no reason why the existing vegetation cannot be retained within the modified drainage system. The drainage system was not however designed as a bespoke compensation for the impact on the mire. It was designed to specifications related to drainage and flood alleviation.
- 7.57 Following review of this information Derbyshire Wildlife Trust raised concerns with the potential impact of Sustainable Urban Drainage System on grassland and rush pasture/mire habitats at the top of the valley (north-west field) and the risks associated with the uncertainties around timing for lifting and storage of grassland. It was recommended that bespoke compensation for the rush pasture and meadow be submitted to demonstrate that it would be successful and sustainable.
- 7.58 In response the applicant in a letter from Racheal Hacking Ecology dated 6<sup>th</sup> September 2023 advised the following:

*The proposed wetland design is based on the need to retain water in the valley and control the discharge offsite to greenfield run-off rates. The need to control discharge rates and trap sediments provides an opportunity to create open water and reedbed habitats that can transition into mire habitat. If the mire was of good quality and a priority habitat it would be appropriate to raise concerns about small losses at the expense of other aquatic habitats but what is being proposed will increase habitat diversity and potentially increase botanical diversity because of colonisation by aquatic species. This would also apply to invertebrate and bird species associated with ponds and reedbeds. The opportunity to diversify the wetland should be welcomed, and a wetter system will hinder colonisation by scrub and unwanted tall ruderals including Docks Rumex spp, Thistles Cirsium spp. and Common Nettle. If DWT are dissatisfied with the extent of rush pasture that is being retained within the valley, it will be feasible to modify the basins to be shallower and drier, but this provides less opportunity to diversify the wetland and maintain a mire that is of relatively low ecological interest.*

*With regards to the mire issues David Norton (Engineering Manager at William Davis, 31 August 2023) states: "I can clarify that the Tetrattech Drainage Strategy which currently shows 5 attenuation basins serving the application site; for the development Phase in question, the 4 ponds can at detailed design stage have their respective levels adjusted slightly to provide sufficient wetlands with varying depths of water to satisfy the requirements of the plant/grasslands species that fall and/or proposed to be planted within their individual footprints. Furthermore, a mixture of permanently wet or dry pond*

*bases can be included across the 4 units to create variance between simple detention and wetlands; the latter having a higher proportion of shallow zones to promote the growth of bottom rooted plants if desired. In addition, I can confirm that the above attenuation units have their footprints outside of the upper valley area this having no constructional impact on this location.”*

*The Drainage Strategy Drawing No. 551 Rev. J (Appendix 10.2 Flood Risk Assessment and Drainage Strategy Addendum dated 24 April 2023, Environmental Statement Supplementary Addendum) includes an Attenuation Volume Table which includes details of the bed area (base) of the balancing pond and swale on Phase 1 of the proposed development totalling 845sq.m. and the balancing ponds and swales on Phase 2 totalling 9,324sq.m. of which the bed of the four balancing ponds within the Countryside Park totals 8,790sq.m.*

*Taking into account the comments of the Engineering Manager at William Davis, it is considered that the detailed design of the bed of the proposed balancing ponds and areas adjacent to the swales, notably including those within the Countryside Park on the outline part of the planning application site, could be dealt with by planning condition with the detailed design to be agreed in writing by the LPA, in consultation with DWT and the LLFA, in order to seek to maximise the ecological interest including mire habitat, along with such attenuation ponds providing the required surface water attenuation capacity during periods of spate and such objectives are mutually compatible.*

- 7.59 Clarification on the management and retention of the grassland habitat was also provided.
- 7.60 Although Derbyshire Wildlife Trust were generally satisfied with the above and have recommended conditions including a condition requiring a bespoke compensation plan for the translocation of rush pasture, they advised that the impacts on rush pasture and lowland meadow is subject to risk due to uncertainties around timing for lifting and storage of grassland. They also advised that the translocation works will also be affected by any problems encountered in relation to the construction of the flood alleviation scheme including the balancing or attenuation ponds and any complications arising from the soil remediation works.
- 7.61 The mandatory 10% biodiversity net gain requirement is only applicable to planning permissions granted in respect to an application made on or after 12 February 2024. Notwithstanding this the Development Plan seeks enhancement of biodiversity and is supported by the NPPF, paragraph 180 of which advises that planning decisions should provide net gains for biodiversity. The introduction of the metric provides a quantitative method of assessing biodiversity gain.
- 7.62 The rush pasture habitat in the valley feature has been identified as ‘Purple moor-grass and rush pastures’ within the metric used. This classifies this habitat type as being of Very High Distinctiveness. Biodiversity metric 3.1 is not designed to adequately address losses of very high distinctiveness habitat or irreplaceable habitat. If very high distinctiveness habitat entered into the metric is lost, then the metric will highlight that losses of very high distinctiveness habitats are likely to require an agreement for bespoke assessment and compensation.
- 7.63 Habitat of high value (in metric terms) and of principal importance such as rush pasture must be replaced with areas habitat units of the same habitat type. This approach is supported by the provisions contained within development plan (Policy PD3), national policy and the statutory metric that has been recently introduced.
- 7.64 Although the application has demonstrated that with conditions it is possible that the development will not result in harm to wildlife, including protected species or loss to

biodiversity, this is subject to appropriate construction of the surface water attenuation features, within which habitat of principal importance is to be translocated.

- 7.65 Derbyshire Wildlife Trust have reviewed the findings of the independent drainage report carried out by JBA and have raised serious concerns that the need for further assessment work could result in changes to the configuration, function or maintenance regimes for the basins which would have implications for the success of the proposed translocation strategy or require changes to the strategy. They advise that the translocation strategy represents the bespoke compensation for these habitats agreed as part of the biodiversity net gain considerations and is a critical part of the ecological mitigation and compensation for the impacts at the site.

### **Transport and Access**

- 7.66 From the representation received the ability of the local road network to accommodate the traffic from the development is a major concern. Concerns have also been raised with regard to the associated highway safety impacts and the need for road improvements amongst other issues.
- 7.67 Policies S1, S3 e) and HC19 require development proposals to demonstrate that they can be safely accessed in a sustainable manner.
- 7.68 Policy S1 of the Local Plan sets out the principles of sustainable development and suggests that new developments should minimise the need to travel by being provided in locations where there is access to a broad range of jobs, services and facilities which are accessible by foot, cycle or public transport with reduced reliance on the private car.
- 7.69 Policies HC18, HC19 and HC20 of the Local Plan relate to public transport, accessibility and managing travel demand; with the policies seeking to encourage greater use of sustainable travel modes, minimise single occupancy car usage and promote site specific and area wide travel demand management.
- 7.70 Policy DS4 states that a phasing plan would be required to secure the provision of a link road through the development from east to west (Gritstone Road to Pinewood Road) before 150 dwellings are constructed on site and to secure any required improvements to Gritstone Road.
- 7.71 The Transport and Access Section of the Environment Statement is supported by a Transport Assessment and residential travel plan. The baseline for the Transport Assessment was a forecast year of 2030. It considered the cumulative impact of the proposed development with other committed developments in the area.
- 7.72 Vehicular access to serve the wider development is proposed via the provision of a new link road between Pinewood Road, to the west of the Site, and Gritstone Road, to the east and that the proposed link road would not only provide access to the proposed development but would also provide a second point of access to the existing residential area served off Wolds Rise and Cavendish Road and an alternative route for traffic between the A632 Chesterfield Road, north of Matlock, and the existing residential areas to the north of Cavendish Road. The development also involves some localised carriageway widening along both Pinewood Road and Gritstone Road to achieve a 6m carriageway width.
- 7.73 The link road would need to be provided before the construction of the 150<sup>th</sup> dwelling, with access to the phase 1 via Gritstone Road only. Pedestrian/cycle only links would be provided to the Site from Far Cross and Hurker Rise and a pedestrian link would be



provided at the north-east corner of the Proposed Development to the existing public footpath on Sandy Lane.

- 7.74 An existing bus service (M1) would be extended to operate through the site and bus stops will be provided.
- 7.75 The Transport Assessment indicates that development will take place over a 9 year period and that Access to the Site for HGV's during the construction phase would be directed via Gritstone Road and the A632 Chesterfield Road to minimise the impact of construction vehicles on the local road network in Matlock and through the existing Cavendish Road area. The appointed contractor would enforcement a Construction Traffic Management Plan which will include the following measures to minimise disturbance:
- Highways to be kept clear of mud and debris;
  - A construction phase delivery strategy to control the timing and routing of delivery vehicles; and;
  - Group transport to the site for construction workers to reduce the number of private car trips.
- 7.76 To remove excess and contaminated material for phase 1, HGV are estimated to not exceed 25 in and 25 out movements a day, intermittently over a two year period. For later phases less than 20 (10 in and 10 out) movements are indicated over a 5 week period. In view of the above it is considered that the impact of construction traffic on the local highway network is negligible, with the exception of Gritstone Road where the level of impact will be moderate adverse.
- 7.77 During the operational phase of the development traffic flows on Gritstone Road would result in an increase of up to 645% in the PM peak hour due to the low existing flows, resulting in minor adverse impacts. The traffic flows on the rest of the local highway network are predicted to be less than 30%. Therefore, the impacts are expected to be negligible.
- 7.78 As a consequence of the development some junctions on the local road network would be operating at full capacity, particularly junctions along the A615 corridor through Matlock Town Centre.
- 7.79 To mitigate the impacts of development during the operational phases a sustainable transport strategy for the Proposed Development would be promoted through the development of a Residential Travel Plan for the development. This would include the appointment of a travel plan co-ordinator, provision of a new bus service between the development and Matlock town centre, issuing of sustainable travel packs to all new residents, and marketing of sustainable travel information. Off-site highway improvements are proposed at the A615 / Bank Road / Snitterton Road (Crown Square) roundabout junction to mitigate the impact of development generated traffic on the operational capacity of the junction.
- 7.80 In the initial consultation response received by the Local Highway Authority additional information was requested showing appropriate geometry and sightlines on key road junctions and streets and how shared pedestrian / cycle routes within the would integrate into the existing highway network. Swept path analysis was also requested to demonstrate that service vehicles and buses can service the development. Long sections to show level changes through the site and clarity on the delivery of the pedestrian access to Sandy Lane was also requested.
- 7.81 With regard to the link road required to serve the parts of the development applied for in outline, the lead engineer at the Local Highway Authority pointed to the challenging levels

and need to negotiate a natural valley in the landform. They advised that an engineering solution would need to be found in order to create a satisfactory highway layout. Long sections were required to demonstrate that the link road could be formed across the valley.

- 7.82 It was considered that the effects of the development on pedestrian delays and safety had been downplayed, particularly at the Gritstone Road junction which is a popular walking route for children travelling to Highfield School. The Local Highway Authority sought additional interventions to minimise the risk to pedestrians crossing at this location.
- 7.83 The Gritstone Road / Chesterfield Road junction was considered preferable over the Sandy Lane / Gritstone Road junction to the north, given the limited geometry and highway limits available. The Local Highway Authority requested that consideration be given to mitigation measures that could be provided to offset any additional development related impact and to show clear priority vehicle movements.
- 7.84 The limitations associated with Cavendish Road were noted, in particular the effects this may have on the bus service (and for emergency vehicles) primarily due to the presence of considerable on street parking. The Local Highway Authority advised that consideration could be given to restricting sections of the road to prevent on street parking in areas where the road width is constrained. Such measures would require the introduction of a traffic regulation Order, which would require a formal consultation process with residents and the Police to be undertaken, the outcome of which cannot be pre-empted as part of this application.
- 7.85 Following receipt of the above comments in 2019, the applicant has provided an addendum to the Transport Assessment and there have been extensive discussions with the Local Highway Authority regarding the concerns raised with a suite of documents has since been presented to address their concerns, including indicative long sections of the link road, drawings to show available geometry and swept path analysis.
- 7.86 In consultation comments dated 31<sup>st</sup> August 2023 the Local Highway Authority recognised that despite the topography between the site and town, numerous pedestrian movement had been observed and recorded along pedestrian routes in the vicinity of the Gritstone Road and Chesterfield Road junction.
- 7.87 The merits of a relocating the existing controlled crossing south of the junction with Gritstone road was considered to be finally balanced and on the basis that it was not considered necessary to make the development acceptable in highway safety terms, an obligation was not sought. The Local Highway Authority were asked to revisit this stance by the local community. It was subsequently accepted that there would be a benefit to pedestrians during the construction phase by relocating the crossing point and that there would also be some modest long-term benefit in removing the pedestrian flow during the operational phase. Relocating the crossing is proposed as part of the residential travel plan, and within other supporting information by the applicant. The Local Highway Authority recommend a condition to secure the relocation of the pedestrian crossing south of the Gritstone Road and Chesterfield Road junction.
- 7.88 With regard to the sustainability of location and ability to undertake journeys to and from the site by means other than the private motor vehicle, the development includes or shows indicative provision for pedestrian access to services and facilities in the town. Links would be made to Pinewood Road, Hurker Rise, Far Cross, Sandy Lane and Gritstone Road. Furthermore, the development would be serviced by a new local centre, which will also be accessible from within the development site. This would ensure

effective permeability through the site to access key services and facilities and reduce the reliance on the private motor vehicle.

- 7.89 Cyclists would share the same links that pedestrians will use listed above. Within the site dedicated cycle infrastructure can be provided. Whilst the surrounding topography is a challenge, cyclists have been observed on relatively steep slopes in the vicinity of the site and will be a viable option for many people. The increasing wider use of electric bicycles will also mean that steeper hills will become less of a barrier in future years.
- 7.90 The application proposes the diversion of the M1 bus service through the site. The Local Highway Authority have requested a contribution of £410,000 to allow for the diversion of this service or the X17, which will provide a better choice for future residents in terms of access to larger service centres. The site is within a 25 minute walk or 9 minute cycle of Matlock Train Station, which provides an hourly service to Derby and Nottingham.
- 7.91 The application is accompanied by a Travel Plan, which has been agreed with the Local Highway Authority. This seeks to achieve at least a 10% shift in car use. In recognition that development traffic will increase loading on at capacity road junctions in the town, the Travel Plan includes incentives to existing local road users to encourage different travel practices. The Local Highway Authority has indicated that it is necessary to include an obligation to ensure that the applicant provides a plan which is bespoke to existing local transport users and for provisions to be made through the planning obligation.
- 7.92 The transport assessment work undertaken indicates that a highway alteration on the Bakewell Road arm is required. This moves the central island and provides for 2 lanes rather than the 1 which presently exists. The Local Highway Authority has advised that this widening only occurs after the pedestrian crossing so provides little extra capacity in practice despite the modelling showing it to be beneficial. Furthermore, the HGV tracking detail provided shows that the repositioned vehicle requires the whole width of Bank Street when turning left, this is a less desirable situation compared to the existing scenario. The lane widening changes the roundabout from a compact design to a full roundabout. This change makes it a more challenging environment for pedestrians and cyclists. As such it is considered that the current roundabout geometry is the most suitable for this environment. The Highway Authority considers that the impact on this junction is overestimated, and interventions are not desirable.
- 7.93 The Local Highway Authority have explained that the residual impact must be deemed to be severe in order to justify a highways objection, means that there can be significantly increased traffic flows and a worsening of capacity, but a proposal still be considered acceptable in transport terms. Therefore, it is concluded that the impact would not be severe at this location and junction alterations should be disregarded with the preference being to retain the current alignment.
- 7.94 The impact of the development on the loading at the A632/A615/Church Street junction is small. The area wide Travel Plan should provide some mitigation in this respect and no severe impacts on the road network are anticipated as a consequence of the development.
- 7.95 Improvements, in addition to the priority road layout are proposed at the Sandy Lane junction. The submitted plans shows that the kerb lines are to be realigned to move the carriageway over which will have a significant improvement to visibility. The Local Highway Authority has advised that this improvement is acceptable in highway safety terms and mitigates the likely additional traffic in this location.
- 7.96 Although it has been considered and demonstrated that the road layout can work in highway safety terms, conditions are recommended to secure and appropriate internal

highway layout to meet technical standards. The consideration of street trees is also recommended. This is covered in the appropriateness of the layout, scale and appearance of the development and associated landscaping section.

- 7.97 It has been demonstrated that the development can be safely accessed and, subject to implementation of the Travel Plan, which will help encourage sustainable modes of travel, minimise congestion on the local road network. The layout of the development is such that it is capable of being serviced by buses and HGVs and will offer cycling and walking options to future residents. The edge of town location of the site, despite the challenging topography is such that the proposals would help achieve sustainable development, with choice of travel to access services and facilities and employment opportunities.
- 7.98 With conditions and with the following planning obligations to achieve the objectives of the Travel Plan, the development would not have an unacceptable impact on highway safety, nor would the residual cumulative impacts on the road network would be severe.
- Bus Service Enhancements - £410,000
  - Sandy Lane Public Right of Way Improvements - £103,445
  - Proposed Residential Travel Plan for New Dwellings Contribution - £241,560
  - Area wide Travel Plan Funding Contribution - £267,000
  - Travel Plan Monitoring Contribution - £8,880
  - Obligation to provide surface improvements and lighting to Wellington Close / A632 footway.
  - Obligation to prepare and implement travel plan measures for the existing transport network users in the vicinity.
- 7.99 With such contributions and conditions officers are satisfied that the development would satisfy the relevant provisions of the development plan and national planning policy insofar as transport and access matters.

### **Historic Environment**

- 7.100 Policy PD2 of the Adopted Derbyshire Dales Local Plan (2017) states that the District Council will conserve heritage assets in a manner appropriate to their significance. This will take into account the desirability of sustaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment. Particular protection is given to designated and non-designated heritage assets and their settings including listed buildings, conservation areas, scheduled monuments, historic parks & gardens, archaeological sites or heritage features and non-designated heritage assets.
- 7.101 Paragraph 200 of the National Planning Policy Framework states that when determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. It is stated that the level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 7.102 Strategic Land Allocation Policy DS4 contains a number of criteria relating to the historic environment. It requires any future application to be accompanied by a Historic Environment Assessment, which considers the impact of development on the setting of heritage assets, including the setting of the grade II listed Wolds Farmhouse and the identification of appropriate mitigation measures as required. The policy also requires a desk and field-based archaeological assessment, including the identification of appropriate mitigation measured as required.

- 7.103 The scoping opinion from DDDC, dated 21st November 2016, drew attention to the need to assess impacts on the Wolds Farmhouse and Matlock Bank Conservation Area, including any Listed Buildings on Matlock Bank where the site might be part of the backdrop to the views of them. Also, the District Council identified the need to address the impact on the setting of Listed Buildings such as Riber Castle and any other, local, non-designated heritage assets. The applicant has carried out such assessment within chapter 9 of their Environmental Statement, which considers the likely impact of the proposed development on the historic environment.
- 7.104 There are no designated heritage assets within the site itself. There are, however, six heritage assets within the wider area that require assessment. These are set out below.
- 7.105 Paragraph 205 of the National Planning Policy Framework (2023) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 7.106 Paragraph 208 of the National Planning Policy Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits (as defined in the National Planning Policy Guidance (2019)).
- 7.107 The National Planning Policy Framework defines the setting of a heritage asset as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve.
- 7.108 In exercising planning functions, Local Planning Authorities must 'have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses' (Section 66(1)) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Similar provisions are contained within the Act at section 72 in respect of conservation areas. Local Planning Authorities must 'pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas'.

#### *Wolds Farmhouse*

- 7.109 The Wolds Farmhouse is a grade II listed building. It comprises the main farmhouse and attached & adjacent curtilage-listed buildings. The submitted Heritage Assessment indicates that its setting comprises the immediate farm curtilage and farm outbuildings and that the principal significance of the building lies in its architectural and historical interest. Its setting is considered to only make only a modest contribution to that significance.
- 7.110 It is recognised that modern housing development has encroached on the western and southern side of the former farmstead grouping. However, it is considered that the open land to the north and east remains of particular importance to the setting and context of the designated heritage asset. Development on phases 2-4 have the greatest potential to compromise the setting of this listed building given its close proximity to these later phases of development. The indicative layout, presented as part of the original application, showed a run of new housing (& access roadway) in relatively close proximity to the eastern side of Wolds Farmhouse. This area of the layout has been revisited and now includes a significant landscaped / open buffer to maintain an open aspect and connections between the historic farm buildings and the agricultural land beyond.

- 7.111 As development on the land immediately to the north of Wolds Farmhouse is applied for in 'outline', with all matters reserved, the parameters of any development in this area will need to be carefully considered and conditioned as part of any decision to approve planning permission. With such mitigation, relating to the landscaped/open buffer, it is considered that the development would result in 'at the lower end' of less than substantial harm (in NPPF terms). It is considered that this less than substantial harm would, however, be outweighed by the public benefits to be derived from the delivery of this strategic housing site to meet the District housing needs.

#### *Matlock Bank Conservation Area*

- 7.112 Matlock Bank Conservation Area is located at the southeast end of the site at its closest point, with the remainder of the development 100m to the north of the Conservation Area with housing in-between. The conservation areas significance is derived from its high-quality heritage assets, largely built in the late 19th century, to house and serve the hydropathic establishments (hotels offering water treatments) and associated population which grew because of their development. There are five grade II listed buildings located within the conservation area. Officers agree that they lie outside the zone of visual influence to the site, and their heritage value and setting(s) would not, therefore, be harmed by the proposed development.
- 7.113 While the Matlock Bank Conservation Area Appraisal recognises that the rural setting to the north, toward Matlock Moor on the hilltop above the designated heritage asset, there are no specific key views that include the proposed development. The site is located upslope from the Conservation Area and viewed in the context of existing development that has taken place on the hillside to service the various hydropathic establishments and general population growth. In this context, it is not considered that the proposed development would be harmful the overall significance and setting of the Matlock Bank Conservation Area.

#### *Riber Castle*

- 7.114 Riber Castle is a prominently positioned grade II building located some 2km to the south of the site. The castle is also located within the Riber Conservation Area. The setting of the asset comprises a prominent topographic location overlooking the town of Matlock and the area of contemporaneous landscaped and enclosed grounds around the principal house. There are extensive views across the landscape from all aspects of the building and, while these are not designed views, they could be considered to be intended views. More importantly, these views were also intended to work both ways, in that the house was also positioned to be seen by the residents of Matlock and its environs, as indeed an 'eye-catcher' on the horizon of the high plateau.
- 7.115 The proposed development would only appear in a small part of the distant views from Riber Castle and could not obscure, or detract from, the sweeping and extensive vistas available from the building. The prominent topographic location of Riber Castle also means that the proposed development would not obscure any significant views from the town of Matlock toward the asset. Development of the site is not, therefore, for these reasons identified and considered, to harm this designated heritage asset or the setting of the Riber Conservation Area.

#### *Matlock Bridge Conservation Area*

- 7.116 This designated heritage asset comprises the town centre and includes a variety of building styles reflecting the late 19th century eclecticism in architecture. The setting of the asset comprises its topographic location within steep sided cliffs and the functional

relationships between the historic buildings, many of which relate directly or indirectly to the hydrotherapy industry and its associated services/functionality.

- 7.117 It is considered that the glimpsed views of the proposed development site, to and from this designated heritage asset, would not harm / effect its setting or significance.

#### *Old Matlock Conservation Area*

- 7.118 This designated heritage asset covers Matlock Green and the original village of Matlock and is semi-rural in its character and appearance. The setting of the Conservation Area is considered to be largely internal, with wider views beyond the confines of the existing town being limited. It is considered that in the context of an urban extension of the town, on its northern slopes, the proposed development would not harm the setting of this designated heritage asset.

#### *Lumsdale Conservation Area*

- 7.119 Lumsdale Conservation Area is located within and adjacent to the valley of the Bentley Brook. It includes Lumsdale Mills Scheduled Monument. The setting of the assets largely comprises the functional relationship between the industrial structures within the conservation area and the topography of the asset, which was fundamental to the siting of the various mills. The setting is internal, given the relatively enclosed topography of the area. Any glimpses of the proposed development, from within the conservation area, would be in the context of existing urban expansion of the town, with woodland and a countryside park maintained on higher ground. It is considered that the development would not harm the character and appearance of the conservation area or Lumsdale Mills Scheduled Monument in this respect.

- 7.120 Taking all the above into consideration, it is considered with respect to any impact on the relevant heritage assets, only limited harm to the setting of Wolds Farmhouse would occur. This can be mitigated through careful consideration of the layout of the development and its infrastructure and maintenance of an open space and delivery of appropriate landscaping to the north of this listed property. No other designated heritage assets would be adversely impacted by the proposed development, based on its location, scale and nature. The 'less than substantial harm' to Wolds Farmhouse, with appropriate mitigation, would be greatly outweighed by the public benefits associated with the delivery of housing to help meet the districts housing needs.

#### *Below Ground Archaeology & Heritage Features*

- 7.121 Paragraph 200 of the National Planning Policy Framework (2023) advises that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. It is also advised in the NPPF (para.200) that the local Historic Environment Record (maintained by Derbyshire County Council) is consulted.

- 7.122 Consultation commenced in 2016 with the Council's Development Control Archaeologist. Several stages of assessment have been undertaken as a result of this consultation, consistent with the requirements of paragraph 200 of the National Planning Policy Framework (2023). Two desk-based assessments were undertaken initially to identify recorded heritage assets within a broad study area of c.1km. These studies identified archaeological interest within the vicinity of the site. A Heritage Statement followed in 2016 that focused upon the impact of the proposed development between Gritstone Road and Pinewood Road. Two further phases of investigation, by geophysical survey, were undertaken in March and August 2016 and amended by further survey work in February

2018. A trial trench evaluation was requested by the DCC Archaeological Officer and implemented between December 2016 and January 2017; further trenching was concluded in March and April 2018. All of this work is included in the appendices to the Environmental Statement.

- 7.123 The archaeological evaluation, and through the Historic Environment Record, has identified evidence for historic charcoal production and lead smelting locations on the site.
- 7.124 The Development Control Archaeologist has advised that most of the site represents a phase of agricultural improvement that pre-dates the Matlock Enclosure Award of 1784. It is likely that the fields represents a process of agricultural 'intakes' and improvement dating from the post-medieval period (17th-18th centuries) and probably associated with 'The Wolds' farmstead thought to have been established in the 17th century.
- 7.125 The historic landscape is well preserved and is considered to be significant in the context of the grade II listed Wolds Farmhouse. Therefore, the maintenance of an open swathe of land to the north and the retention of existing boundary features is considered important in this regard to conserve, as far as is possible, the historic landscape. The retention of boundary walls as a feature of the open space network is a requirement of development plan policy DS4. A condition would be necessary to deliver these objectives.
- 7.126 Given the archaeological resource within the site the Development Control Archaeologist has recommended that excavation and recording is necessary to satisfy national policy. A condition is necessary to secure this.
- 7.127 Subject to conditions to control the appropriate identification and recording of below ground archaeology, the maintenance of landscape features and the delivery of an appropriate buffer between the development and Wolds Farmhouse, the development would, it is considered, satisfy the relevant provisions of the development plan and national policy in respect of the historic environment.

### **Hydrology and Drainage (including Flood Risk)**

- 7.128 Significant concern has been raised from the public regarding the flood risks presented by the development. Detailed representations have been received which raise concerns with the design of the attenuation basins, particularly on later phases of the development and the ability of the indicative drainage system serving phases 2-4 to adequately store and dispose of foul and surface without resulting in an unacceptable flood risk. Local residents and ward members have also drawn the Local Planning Authority's attention to a spring fed watercourse which crosses phase 1 land.
- 7.129 Policies S1 and PD8 of the Adopted Derbyshire Dales Local Plan (2017) are relevant and state that the Council will support development proposals that avoid areas of current or future flood risk and which do not increase the risk of flooding elsewhere. Development will be supported where it is demonstrated that there is no deterioration in ecological status either through pollution of surface or groundwater or indirectly through pollution of surface or groundwater or indirectly through overloading of the sewerage system and wastewater treatment works.
- 7.130 Strategic policy DS4 of the Adopted Derbyshire Dales Local Plan requires that development of the site will be subject to a site specific flood risk assessment in accordance with the findings of the Derbyshire Dales Strategic Flood Risk Assessment and focuses on the other sources of flooding (including surface water and groundwater. The policy also requires that development have regard to the need to ensure sufficient capacity in the local sewage network and receiving sewage treatment works.



- 7.131 Under meeting the challenge of climate change, flooding and coastal change paragraph 157 of the National Planning Policy Framework states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk. It goes on to state that it should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience.
- 7.132 Paragraph 173 states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. It goes on to state that development should only be allowed in areas at risk of flooding where, in the light of this assessment it can be demonstrated that:
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
  - b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
  - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
  - d) any residual risk can be safely managed; and
  - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
- 7.133 As the development site is more than 1 hectare in area a site-specific flood risk assessment is required in this case. Paragraph 175 of the National Planning Policy Framework (2023) also requires that major developments incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:
- a) take account of advice from the lead local flood authority;
  - b) have appropriate proposed minimum operational standards;
  - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development, and;
  - d) where possible, provide multifunctional benefits.
- 7.134 A Flood Risk and Drainage Assessment Report was appended to the Hydrology and Drainage (including Flood Risk) chapter of the Environmental Statement submitted in 2018. This was amended in 2021 following the flood event in the town in November 2019 and the subsequent comments from the Environment Agency and holding objection received from the Lead Local Flood Authority. A further addendum to the Flood Risk Assessment in April 2023 was submitted to address the reduction in the available capacity of the drainage network to accommodate foul flows and the impacts of the spring fed watercourse that crosses the site.
- 7.135 The nearest main river is the River Derwent located approximately 1.5 km to the southwest of the Site flowing in a south easterly direction. The nearest ordinary watercourse is the Bentley Brook located approximately 300m east of the site. The Site lies entirely within Flood Zone 1 and is not impacted by fluvial flooding from the River Derwent or the Bentley Brook.
- 7.136 Following concerns relating to the ability of the existing drainage network to accommodate surface water flows from the development STW carried out modelling of their network in 21/22. In January 2022 this modelling work was completed. It confirmed that their network could only accommodate the following with a low risk of flooding:

1. An attenuated surface water discharge of 20 l/s to the public surface water sewer at Gritstone Road.
2. An attenuated surface water discharge of 45 l/s to the public surface water sewer at Cavendish Road.

This was substantially less than the capacity indicated in the sewer capacity assessment undertaken on behalf of STW, commissioned by the applicant and which underpinned their land drainage strategy for the site. The surface water drainage system discharges into Bentley Brook.

- 7.137 The applicant also needed to demonstrate that the proposals would not have a detrimental impact on the Bentley Brook and Knowleston Place Pump Station, given the comments made by the Environment Agency and holding objection received from the Lead Local Flood Authority.
- 7.138 The original proposals were based on the assumption that an allowance was to be made for the significant volumes of overland flows currently passing through the site from adjacent fields. These flows were to be partially attenuated within balancing ponds 1 and 2, adjacent to the Phase 2 part of the development site, prior to discharging to the public sewer at a controlled rate (135l/s).
- 7.139 The revised discharge rate of 45l/s at Cavendish Road meant that the designed system did not include sufficient allowance for overland flows. The combination of overland flows from adjacent land, together with the flows from the development site needed to be contained within the on-site attenuation prior to discharge at greenfield rates. This has resulted in balancing pond 1 within the Phase 2 part of the development site being increased in size. Outline permission is sought for development on phases 2 – 4, however, the Local Planning Authority must be satisfied that the amount of development can be achieved without presenting an unacceptable flood risk.
- 7.140 Following this change, the Lead Local Flood Authority advised that whilst there was no statutory requirement to, they considered it necessary to seek the advice of a specialist (panel) engineer regarding the attenuation basins and the risk they could pose due to the potential volume following the increase in volume of surface water they are proposed to be managing. Whilst the basins are individually below 10000 m<sup>3</sup> and therefore not subject to the Reservoirs Act, cumulatively their volume is 18366 m<sup>3</sup> in cascade, and whilst this is still below the 25000 m<sup>3</sup> current threshold it is between 10000 m<sup>3</sup> and 25000 m<sup>3</sup>, which is under review by the Government.
- 7.141 In response, the applicant advised that the proposed attenuation ponds are not designed or sized to be considered reservoirs which hold water permanently. The advised that the attenuation ponds are designed to hold water temporarily for only a short period of time during storm events and constantly discharge at a controlled rate. They made the point that a reservoir normally retains and holds large water volumes water (typically in a single feature) and therefore the banks are constantly under pressure. Individually, none of the phase 2 attenuation basins are stated to be near the 10000m<sup>3</sup> threshold the government are considering.
- 7.142 The applicant advised that the risk of failure of the attenuation basins is unlikely as three of the basins store water mainly below the current ground level and a breach and catastrophic release of water is unlikely for them to fail in such a manner. Basin 4 is the only basin with a mainly bunded bank which could theoretically fail. They advise, however, that this can be designed in conjunction with a panel engineer and conditioned as part of any decision to grant the outline part of the hybrid application. It is not considered that the detailed design was required and only the principle of development should be considered.

- 7.143 A detailed sustainable drainage system has been submitted for phase 1 of the development, which is applied for in full. Following the identification of a spring fed watercourse crossing the site the drainage strategy has been updated. The revised proposals involve an attenuation basin located at the southern end of the site and immediately to the north of the dwellings along Bentley Close. What was shown as a swale has been enlarged to a pond to accommodate overflow from the spring fed watercourse that crosses the site.
- 7.144 The assessment work undertaken by the applicant, which considered the flows from the spring fed water course was inconclusive insofar as identifying the final destination of this surface water source. The Lead Local Flood Authority was satisfied that the existing gully outlet at the rear of an existing dwelling off Bentley Close regulates flows and that with additional capacity to deal with overflow and a bypass to direct flows to the pond (formerly a swale) would be acceptable from a flood risk management perspective.
- 7.145 Within the representations received concerns have been expressed regarding the effects of redirection and channeling of the watercourse. It is considered that this is unknown and therefore the risk of localised flooding has not been fully considered. Concerns have also been raised regarding the size of the proposed attenuation basins serving the later phases of development and the risk this presents to the public down stream of any flooding event / or as a result of failure of the basins.
- 7.146 Given the requirements of paragraph 175 of the National Planning Policy Framework (2023) that sustainable urban drainage systems must have appropriate proposed minimum operational standards and have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development so as to not present an unacceptable flood risk, the Local Planning Authority has sought independent advice from a drainage consultant.
- 7.147 The consultant has reviewed the Flood Risk Assessment and Drainage Strategy Addendum dated 24 April 2023) and the various appendices. The consultant has had regard to the phase 1 Drained Areas Sheet 1 & 2 Rev B and detailed technical information submitted by the public. Their findings were as follows:

#### *Phase 1 Proposals*

- 7.148 The consultant found that excavation of both basins is going to be into very sandy material down to gravel. Therefore, there is a high potential for seepage. No information has been submitted to date to ensure that proposals are not creating a weak spot in excavating down to a permeable seam. Any underground permeability could reemerge downstream increasing risk. It was also considered that enhanced maintenance would be required for any engineered solution.
- 7.149 With regard the proposals to the divert the spring watercourse through the site with restricted discharge to the existing culvert to the north of Bentley Close, the consultant has advised that the calculations for natural spring flow are based on assumptions and there is no assessment of a range of potential flows. It is also noted that by culverting the watercourse all exceedance flows will likely find their way into the upper basin. They have advised that it is not appropriate to use an assumed 50 l/s only for the design of the sustainable Phase 1 at full planning. They also point to no apparent modelling of the diverted spring watercourse included in Appendix F of the Flood Risk Assessment and no apparent allowance in Phase 1 Micro Drainage modelling for this additional flow for a range of scenarios.

#### *Phase 2 Proposals*

- 7.150 Whilst the basins serving later phases of the development are at the outline stage, the consultant advises that the functionality of the basins is fundamental to the acceptability of the development proposals. The consultant advises that while the phase 2 basins (four basins in cascade) do not meet the threshold of the Reservoirs Act, they do represent significant elevated waterbodies within an urban setting and this presents risks.
- 7.151 The following inadequacies relating to the basins serving the outline part of the application were also identified:
- Basins 1 and 2, despite outline planning status, do not cover a full assessment and analysis of flood risk. In depth assessment is required to demonstrate the suitability of attenuation proposals and hence justification for Phase 2 development in terms of flood risk.
  - We would expect runoff volumes (to be attenuated) to include a range of design events including climate change. Outcomes should include consideration of exceedance criterion and residual flood risk mapping.
  - We have reviewed the available geotechnical information. No interpretive report has been provided. There has been no assessment of seepage, its implications and how potential bypassing between basins is to be mitigated. The Applicant has not fully considered the potential for transference of risk downstream.
  - Assessment of flood risk should take exceedance flows into account and the Applicant should demonstrate basin drain down times and the implications of consecutive events on safe design. Basins must provide a robust and quantifiable solution to flood risk.
  - It is not clear how basins will be emptied prior to subsequent flood events and remain fit for purpose.
  - A lack of information has been submitted in respect of the future maintenance of the basins to demonstrate an acceptable standard of operation for the lifetime of the development.
- 7.152 The Lead Local Flood Authority have advised in respect of the phase 1 proposals that scenarios were modelled with a range of rainfall events and with a range of percentage runoff from the upstream catchment. They accept that seepage has not been fully addressed for the attenuation basins and therefore, as the application is a full application, it is recommended that this be addressed. With regard to the findings on phase 2 they accept that these points need to be addressed. They have, however, advised that it was always envisaged that these points, along with others, would all be addressed at the detailed design stage (reserved matters or discharge of condition stage), and have recommended conditions on this basis. Notwithstanding the above, it is recognised that the finding in relation to how the volume of the ponds has been assessed and calculated does need to be addressed now. It is recommended that the applicant review the volume of the attenuation ponds over a range of different durations, and not just the 6-hr storm event they have used, so we have the confidence that all of the ponds can be accommodated within the site, for the critical storm duration. Without this information, the Local Planning Authority cannot be satisfied that the development can be accommodated on the site without increasing flood risk.
- 7.153 The sheer volume of stored water on high ground and upslope of the town is a significant concern. The submission of a hybrid application, with the later phases of development applied for in outline is a flaw in the current submission in terms of presenting a robust

drainage system that will not present unacceptable flood risks. Without a robust drainage strategy and consideration of the matters raised by the appointed drainage consultant there can be no certainty that the development can be delivered in a manner that will not result in unacceptable flood risk and that the amount of surface water can be stored safely. In this context, it would not be appropriate to condition the sustainable urban drainage system. As required by paragraph 38 of the National Planning Policy Framework, the Local Planning Authority has continued to approach the proposed development in a positive and creative way, allowing the applicant time and opportunity to amend their land drainage proposals to address the reduced capacity within the drainage network to accommodate flows arising from the development. The extent of surface water attenuation required and concerns raised by the independent drainage consultant are fundamental to the acceptability of the development proposals in terms of the amount and nature of development applied for and cannot be set aside / considered at a future date in officers opinion.

- 7.154 The requirement to ensure that development takes full account of flood risk and can be accommodated without resulting in flood risk elsewhere or presenting unacceptable risk to public safety is an important consideration. The application fails to demonstrate this and is contrary to Policies S1 and S8 and the objectives of paragraphs 157, 173 and 175 of the National Planning Policy Framework (2023).
- 7.155 With regard to the requirement to ensure sufficient capacity in the local sewage network and receiving sewage treatment works in Policy DS4, foul water is proposed to connect into the public' foul water sewer, which will be subject to a formal section 106 sewer connection approval.
- 7.156 STW have confirmed that the foul flow should not pose an issue so long as it drains via gravity. If a pumped solution is proposed for discharge from any part of the overall site, a sewer modelling assessment may be required to determine what impact the generated flows from this site will have on the network and to determine the maximum pump rate that could be accommodated within the existing network without worsening the existing sewer performance in rainfall events.
- 7.157 For the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991.
- 7.158 The Derwent Valley Aqueduct crosses phase 2-4 land on its northern side. This is one of STW's most important assets and is protected by easements. Specific provision is made for the protection of this asset in Policy DS4 of the development plan. It requires that no built development other than essential flood risk and highway infrastructure is provided on the upper northern slopes beyond the extent of the protected aqueduct (west of the existing reservoir). Development has been sited on site to avoid this asset and no concerns have been raised by STW in this respect.

### **Ground Conditions and Contamination**

- 7.159 Policy PD9 of the Development Plan deals with pollution control and unstable land and states that the District Council will protect people and the environment from unsafe, unhealthy and polluted environments whilst promoting the use of appropriately located brownfield land. This will be achieved by only permitting developments if the potential adverse effects (individually and cumulatively) are mitigated to an acceptable level by other environmental controls or by measures included in the proposals. This includes land contamination including soil pollution and disturbance.

- 7.160 Paragraph 189a) of the National Planning Policy Framework (2023) states that decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. Paragraph 190 states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
- 7.161 The potential effects of ground conditions on the proposed development and the immediate surrounding area for the construction and operational (i.e. during occupancy of housing and retail units) phases is considered in the Ground Conditions and Contamination section of the ES. This chapter is informed by Phase 1 and 2 Geo-Environmental Assessments, a Human Health Detailed Quantitative Risk Assessment, Refined Delineation of Identified Lead Hotspots Report and Remedial Method Statement.
- 7.162 An assessment of contamination is included in the Phase II Geo-Environmental Investigation. No groundwater contamination was identified. A single exceedance of arsenic was recorded at 1.90m depth; exceedances of lead in around 40% of the soil samples tested (mostly at depths of 0.5m or shallower); a single exceedance of benzo(a)pyrene at 0.5m depth; and a single exceedance of the total petroleum hydrocarbon 'C10-C21' fraction at 0.6m depth. The report found that the single exceedances (including arsenic, TPH and benzo(a)pyrene) may have come from a variety of potential sources, although their isolated nature indicates that they were not a widespread or significant issue in the context of requirements for remedial works in support of the proposed development. The generally widespread exceedances of lead indicated that further assessments were required in relation to the potential risks to human health.
- 7.163 This work was undertaken and it was confirmed that the site is situated within an area which is known to have concentrations of lead within soils which are generally in excess of the standard nationwide generic soil screening values.
- 7.164 In conjunction with the Councils Environmental Health Team it has been agreed that the capping of garden areas (i.e. importation of clean soil for placement in garden areas (upper 100mm) and excavation off all identified soils from garden areas and re-deposition in alternative areas of the site (Public Open Space) would constitute acceptable remediation and will ensure that the site is suitable for its proposed use. Control over contaminated land can be secured by condition to ensure no adverse impacts on human health.
- 7.165 Matters relating to ground stability concern slopes and underground features (e.g. the aqueduct). Such matters are considered in the design / layout of the development forming part of the full application and will require specialist engineer slope / stability assessments in respect of later phases of development. They do not prohibit the development, which has been considered in the context of these constraints.
- 7.166 The need to deal with difficult land levels and contamination results in abnormal costs, which have been presented the Local Planning Authority as part of a viability argument. This is considered in a later section of this report.

### **Air Quality**

- 7.167 Policy PD9 of the Development Plan also states that development will only be supported if the potential adverse effects (individually and cumulatively) are mitigated to an acceptable level by other environmental controls or by measures included in the proposals. This includes air pollution (including odours or particulate emissions).

- 7.168 Para 109 of the National Planning Policy Framework (2023) recognises that significant development should be focused in locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes as this can help to reduce congestion and emissions, and improve air quality and public health. The location of the site on the edge of a market town achieves this objective.
- 7.169 National Planning Practice Guidance advises that the following specific issues may be relevant when assessing planning applications:
- Changes (including any potential reductions) in vehicle-related emissions in the immediate vicinity of the proposed development or further afield. This could be through the provision of electric vehicle charging infrastructure; altering the level of traffic congestion; significantly changing traffic volumes, vehicle speeds or both; or significantly altering the traffic composition on local roads. Other matters to consider include whether the proposal involves the development of a bus station, coach or lorry park; could add to turnover in a large car park; or involve construction sites that would generate large Heavy Goods Vehicle flows over a period of a year or more;
  - New point sources of air pollution. This could include furnaces which require prior notification to local authorities; biomass boilers or biomass-fuelled Combined Heat and Power plant; centralised boilers or plant burning other fuels within or close to an air quality management area or introduce relevant combustion within a Smoke Control Area; or extraction systems (including chimneys) which require approval or permits under pollution control legislation;
  - Expose people to harmful concentrations of air pollutants, including dust. This could be by building new homes, schools, workplaces or other development in places with poor air quality;
  - Give rise to potentially unacceptable impacts (such as dust) during construction for nearby sensitive locations, and;
  - Have a potential adverse effect on biodiversity, especially where it would affect sites designated for their biodiversity value.
- 7.170 The site does not form part of an Air Quality Management Area in this case. During the operational phase predictions of air quality changes due to an increase in traffic movements have been carried out. These have been assessed by the Council's Environmental Health team.
- 7.171 Following review of relevant traffic figures. The worst case increase in the assessment has indicated 224 additional vehicles. This has been screened against the screening tools in Table 7.1 of Local Air Quality Management Technical Guidance (TG16) and does not trigger any of the criteria for monitoring even with the additional flows. This indicates that the National Air Quality Objectives would not be breached.
- 7.172 The Environmental Health team agree that the impact of the development is likely to be negligible, in the operational phase. A number of mitigation measures are however suggested, including the provision of electric charging points to encourage the use of electric vehicles, efficient heating systems and cycle and green infrastructure. Conditions to secure such measures would be necessary should members be minded to approve the application.
- 7.173 It is recognised that there will be a significant increase in HGV movements during the construction phase. Mitigation measures to suppress the generation of dust (both within and outside of the Site), which could comprise the use of dust suppression controls on site, the imposition of working hours which are sympathetic to neighbouring residents / ecology and the use of streetsweeping vehicles in the event that dust is carried off-site. Wheel washing may also be used to limit the amount of dust from vehicles entering / exiting the site. With such measures, which would need to be controlled by condition and

the prior agreement of a construction management plan the development would not result in unacceptable adverse effects.

### **Noise and Vibration**

- 7.174 The adverse effects (individually and cumulatively) covered by development plan Policy PD9 extend to include noise and vibration.
- 7.175 There are separate provisions contained within Policy PD1 of the Development Plan concerning noise. In creating well designed places, the policy requires that development achieves a satisfactory relationship to adjacent development and does not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.
- 7.176 Paragraph 191 of the National Planning Policy Framework (2023) advises that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:
- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 7.177 Existing ambient noise levels around the site are dominated by road traffic noise from the busy A632 Chesterfield Road, occasional traffic noise from the surrounding residential roads including Sandy Lane, Cavendish Road, Wellington Street, Wolds Rise, Hurker Rise and High Ridge. Birdsong was audible in the majority of the monitoring locations.
- 7.178 During the construction phase noise would be audible. The level of noise would be dependent on the location of the construction activity, with earthworks likely to result in the most disturbance. With the following controls (which would need to be conditioned):
- Careful selection of working methods and programme;
  - Selection of quietest working equipment available (e.g. electric/battery powered equipment which is generally quieter than petrol/diesel powered equipment);
  - Positioning equipment behind physical barriers, i.e. existing features, hoarding, etc., or provision of lined and sealed acoustic covers for equipment that could potentially contribute to a noise nuisance;
  - Positioning of noise generating equipment, such as any blending plant in areas which minimise noise as far as practicable;
  - Directing noise emissions away from plant including exhausts or engines away from sensitive locations;
  - Ensuring that regularly maintained and appropriately silenced equipment is used;
  - Shutting down equipment when not in use, i.e. maintain a 'no idling policy';
  - Handling all materials in a manner which minimises noise;
  - Switch all audible warning systems to the minimum setting required by the Health and Safety Executive;
  - Restricting hours of site operation in agreement with the Local Authority. If there is the requirement to undertake work outside of the agreed hours, further consultation should be undertaken with the Local Authority;
  - Where processes could give rise to significant levels of noise, noise levels should be monitored regularly by a suitably qualified person. The methodology of any surveys, as well as the requirement for any detailed noise level predictions prior to commencement, should be agreed with the Local Authority;



- Leaflet drops at all existing houses likely to be affected by noisy construction activities notifying them of works in advance and detailing the nature of works and their likely duration; and
- Employ best practices and follow guidance of British Standard 5228 – Parts 1 and 2

and monitoring it is not considered that construction noise would result in an unacceptable level of noise or vibration.

7.179 With regard to the operational phases, any adverse effect associated with the development would be limited to the local centre, such as fixed building services plant and deliveries. These effects can, however, be appropriately mitigated through careful design during the consideration of any future approval of reserved matters applications. Road traffic noise from the development is not considered to result in unacceptable impacts on residential amenity due to low traffic flows.

**The appropriateness of the layout, scale and appearance of the development and associated landscaping**

7.180 Seeking to secure high quality, locally distinctive and inclusive design and layout is a key element to achieving sustainable development. This is a requirement of development plan policies S1 and PD1 and national planning policy.

7.181 In terms of local design policies, Policy PD1 of the Adopted Derbyshire Local Plan 2017 deals with design and place making and requires:

- development to be high quality design that respects the character, identity and context of the Derbyshire Dales townscapes,
- all new development is based on a thorough site appraisal and that ‘design quality’ is reflected in the development through a clear understanding of site context including reference to any Design Statements, Neighbourhood Plans, and is sensitive to its context as well as contributing to sustainable living and contribute positively to an area’s layout and relationship to adjacent buildings and landscape features.
- development on the edge of settlements enhances and/or restores landscape character, particularly in relation to the setting and character of the Peak District National Park development contributes positively to an area’s character, history and identity in terms of scale, height, density, layout, appearance, materials, and the relationship to adjacent buildings and landscape features
- public and private spaces are well-designed, safe, attractive, complement the built form and provide for the retention of significant landscape features such as mature trees.
- developments are easy to move through and around, incorporating well integrated car parking, pedestrian routes and, where appropriate, cycle routes and facilities.
- developments are designed to minimise opportunities for anti-social or criminal behaviour and promote safe living environments.
- the inclusive design of development, including buildings and the surrounding spaces, to ensure development can be accessed and used by everyone, including disabled people development takes account of national design guidance and Supplementary Planning Documents.

7.182 Paragraph 131 of Chapter 12 of the National Planning Policy Framework states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. It goes on to state that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this.

- 7.183 Paragraph 136 of the National Planning Policy Framework states that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. It goes on to state that decisions should ensure that new streets are tree-lined, unless in specific cases there are clear, justifiable and compelling reasons why this would be inappropriate.
- 7.184 Paragraph 139 of the National Planning Policy Framework advises that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design <sup>55</sup>, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes. Footnote 55 refers to guidance contained in the National Design Guide (NDG) and National Model Design Code. As the District Council has not yet adopted any Design Codes the NDG and Model Design Code are of relevance.
- 7.185 The NDG sets out the characteristics of well-designed places and demonstrates what good design means in practice. It includes 10 characteristics that are key to good design. Its use helps to assess the quality of planning applications.
- 7.186 The application is accompanied by a Design and Access Statement addendum by Urban Wilderness (dated May 2023) which sets out the design approach adopted.

*Full Application*

- 7.187 The development is detailed insofar as the first phase of development forming part of the full planning application and indicative on phases 2-4.
- 7.188 The full application comprises the construction of 78 new houses and associated landscape, internal roads and areas of open space. The site will be accessed from a new connection off Gritstone Road. This access will necessitate the removal of a short stretch of hedgerow.
- 7.189 The central part of the site will include a new area of open space with native trees a sustainable drainage system comprising of balancing ponds a native hedgerow and sections of new drystone wall. The western side of Phase 1 will be housing and associated landscape, internal roads, new lengths of hedgerow and hedgerow trees and new woodland planting on the northern edge of the site are proposed.
- 7.190 Changes to the layout of the development and design and orientation of the dwellings have been made at the request of officers to secure design improvements and to address comments received from consultees. The run of houses that will form a continuation of Gritstone Road is less sporadic and the scale / height of the dwellings has been re-considered to present a more cohesive streetscene. Development has been positioned so as to not encroach into the woodland area to the north. Dwellings at focal points (i.e. fronting open space and at road junctions) have been designed and are orientated to face and positively address these important parts of the site.
- 7.191 The proposed dwellings reflect the traditional, modern housing nearby. The new estate will have its own identity, however will reflect the simple and traditional building forms found on adjacent dwellings. The layout responds to the grid layout of existing houses on its southern side and is more organic on the edges with the countryside and proposed countryside park. The dwellings to the north east adjacent Sandy Lane have been purposefully designed to respond to the character of the outlying farm groupings beyond. These dwellings will be of an 'agricultural' appearance and will be faced in natural stone. A transition of mid to dark buff brick is then proposed, with some render.

- 7.192 The scale of the dwellings and geometry of the estate roads respond positively to the site levels. Where the dwellings along Gritstone Road sit closest to the site, along its north eastern edge a series of bungalows are proposed. The separation distances between the proposed and existing dwellings and their scale are such that the development would achieve a satisfactory relationship would not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, light pollution or other adverse impacts on local character and amenity thereby satisfying this part of development plan policy PD1.
- 7.193 New buffer planting and new sections of hedgerow will enhance the character of the local landscape and provide an appropriate landscaped setting. Although the development does not make provision for trees within the highway, tree planting is proposed around the central attenuation basins within street margins and within the curtilages of the proposed dwellings. This is considered to constitute appropriate provision. An extension of the wooded area along the northern side of the site is also proposed.
- 7.194 A proposed footpath is to run along the northern edge of the Site, close to the existing woodland connecting to Sandy Lane to the east to maximise pedestrian connectivity.

#### *Outline Application*

- 7.195 Outline phases 2, 3 and 4 comprise 345 new houses with a local centre and associated landscaping, internal roads and areas of open space, including a countryside park and children's play area.
- 7.196 Although indicative, the density plan and location of the local centre / civic space would enable the creation of successful place. 2-3 storey buildings are indicated in the high density areas, with two storey dwellings in the medium and low density areas. The indicative masterplan shows green fingers permeating through the site and large areas of amenity green space. The introduction of a countryside park beyond the northern boundary presents an opportunity to form a distinct and definitive edge to the settlement. A lower density edge is shown along the north western boundary.
- 7.197 A network of footpaths within the countryside park will link through to phase 1 of the site and make connection with Far Cross and Hurker Rise along the southern edge. The outline application will be accessed from new highway connections off Pinewood Road linking to the road in phase 1 which leads to Gritstone Road.
- 7.198 New pedestrian and cycle access off Far Cross and Hurker Rise are proposed. These accesses will necessitate the removal of short stretches of drystone walls and fences. Other sections of dry stone walls (a requirement of development plan policy DS4) can be accommodated within the layout.
- 7.199 The new Countryside Park will form a large extent of the northern and eastern portions of phases 2, 3 and 4 with new housing and its associated landscape, internal roads and new buffer tree planting along the edge of Wolds Farmhouse. The Countryside Park will include the provision of a new play area for the residents and existing community to use.
- 7.200 The needs to store a significant amount of surface water on site so as to not overwhelm the existing drainage infrastructure and lead to greater discharge into Bentley Brook requires the provision of four large attenuation features in the valley feature. The link road between phase 1 and phases 2-4 also crosses this valley feature.
- 7.201 Indicative long sections have been submitted of the link road. This shows a bunded road construction, and indicates minimal engineering works. There are concerns that without fully understanding the construction requirements of the attenuation features to prevent

seepage and failure and their size, that the impact of these features on the character and appearance of the surrounding area cannot be fully considered. It is unclear therefore these significant elements of the development would be capable of satisfying the relevant provisions of the development plan and national policy.

### **Viability, affordable housing provision and housing mix**

- 7.202 As set out in the application section of this report, during the consideration of the application a viability argument was presented to the Local Planning Authority by the applicant in May 2021. When the site was allocated for development as part of the Local Plan process it was considered that the development could deliver policy compliant levels of affordable housing and other required developer contributions.
- 7.203 The applicant has undertaken a marketing and character assessment, which has informed the mix of housing.
- 7.204 Policy HC11 seeks to meet local needs for housing in terms of housing mix, size and tenure. This policy also seeks to ensure that new residential development meets the needs of the future population of Derbyshire Dales by seeking to deliver essentially smaller sized dwellings. Whilst the policy prescribes a housing mix the policy advises that the final mix achieved on any site will be informed by the location, nature and size of the development site, character of the area, evidence of local housing need, turnover of properties at the local level and local housing market conditions. Whilst the proposed mix of housing is skewed towards larger properties, the latest ICENI housing needs assessment does show an increase in demand for larger properties in the district and information has been submitted to demonstrate why a mix which includes a higher percentage of larger properties is appropriate in this case. The development would deliver a high percentage of two and three bedroomed dwellings.
- 7.205 The value from the development, which underpins the viability work undertaken has been based on the mix set out in the application section of the report.
- 7.206 Development plan policy HC4 states that in order to address the significant need for affordable housing across the Plan area, all residential developments of 11 dwellings or more or with a combined floorspace of more than 1000 square metres should provide 30% of the net dwellings proposed as affordable housing. Where the proposed provision of affordable housing is below the requirements set out above, the District Council will require applicants to provide evidence by way of a financial appraisal to justify a reduced provision.
- 7.207 The applicant submitted a "Financial Viability Assessment" by HLD dated 13th May 2021. This modelled a single scenario of a target policy compliant scheme appraisal, the outcome of which showed a loss of almost £4.6m. The assessment then undertook "sensitivity (i.e., scenario) testing in which they removed any affordable housing from Phase 1 and reduce the target policy affordable housing contributions by (ultimately) up to 20% to assess whether a viable outcome can be achieved (based on their target rate of return of 20% on the market value housing and 6% on the affordable housing, giving a blended rate of 18.13%). They concluded, following this exercise, that the (blended) rate of return would be at best 10.53%, therefore still below their target rate. On that basis it was concluded that a further reduction to the affordable housing provision was required and a reduction in the amount of Section 106 contributions requested should also be explored, in order to ensure that the scheme is viable.
- 7.208 The Local Planning Authority engaged the services of an independent viability expert who determined that full s106 contributions could be made, however, the level of abnormal costs would determine whether any affordable housing could be provided. No supporting

evidence had been provided by the applicant to justify the suggested abnormal costs of £20,121,064 at that time and it was recommended, given the scale of costs identified that a specialist was engaged to review the costs put forward.

- 7.209 The Local Planning Authority engaged the services of a quantity surveyor (RCS Construction Services Ltd) who determined that abnormal costs were over inflated and that a figure of £15,999,606 was more realistic in their opinion. They identified potential savings for the majority of the cost categories submitted, including demolition / alteration works, reclamation and earthworks, off site works, infrastructure works on-site, on-site services, strategic drainage, ecology and environmental works, landscaping and countryside and commercial abnormal allowances.
- 7.210 Given the poor agricultural quality of the land the Council's viability expert determined that an existing use value was £7,000 was more appropriate as opposed to the £10,000 that had been identified in the applicant's viability assessment. Given the level of abnormal costs identified, a premium uplift of 7.5 times above the existing land value was considered to be reasonable in the context of relevant appeal decisions. This gave a benchmark land value of £1,693,673.
- 7.211 Based on the benchmark land value their modelling showed that the full planning policy requirements (i.e. 30% onsite affordable housing and S106 contributions totalling £4,535,006 at that time) could not be provided. The modelling identified that the scheme was able to support a reduced 15.13% affordable housing provision, plus £4,535,006 in S106 contributions.
- 7.212 The applicant pointed to stamp duty land tax not being applied to the benchmark land value and added in further costs associated with additional attenuation required (to accommodate reduced flows into STW drainage network). This reduced the level of affordable housing that can be delivered to 14.66% when the model was re-run.
- 7.213 The applicant made a without prejudice offer in May 2022 to deliver the above level of affordable housing and developer contributions, however, pointed to a number of areas where they disagreed with the findings of the viability modelling work that had been undertaken and level of abnormal costs identified. They also pointed to significant costs associated with biodiversity net gain that would need to be absorbed.
- 7.214 Following consultation under regulation 22 of the Environmental Impact Assessment Regulations (2011) in June 2023, the level of necessary developer contributions had increased from £4,535,006 to £7,395,302 and market conditions had changed, with a significant downturn in the residential market.
- 7.215 In an effort to agree a revised position, the applicant advised that they did not wish to update sales values, however, if £7,395,302 in developer contributions was requested only 5% affordable housing could be delivered across this site based on the previous modelling work undertaken.
- 7.216 The Council re-engaged its viability expert in November 2023. They accepted that the viability of the scheme had deteriorated since their last assessment in March 2022 and that the position presented by the applicant was favourable to the Council in these circumstances. They advised that their advice would remain valid for six months beyond the date of the report (7<sup>th</sup> November 2023).
- 7.217 The options presented to the local Planning Authority were to either maintain affordable housing at the 14.66% level, with the previously identified level of developer contributions or to reduce this to 5% with enhanced developer contributions to deliver the appropriate level of infrastructure to support the development.

7.218 A flaw in the approach to viability is that the development has been assessed as a whole, despite being split into two component parts by virtue of the hybrid application. The outline element of the proposal covers the vast majority of the abnormal costs identified. Despite this, a reduced level of affordable housing is to be provided on phase 1, with the agreed amount of affordable housing to be made up on later phases of development. No mechanism has been presented to ensure that at least 14.66% (or a commensurate amount of affordable housing based on the abnormal costs associated with the first phase of development) of affordable housing will be delivered on phase 1 in the circumstance where future development does not come forward. If this was to be the case the development could have potentially delivered a policy compliant amount of affordable housing. Whilst a retaining sum up to a policy compliant amount of affordable housing could be secured, this would be an off-site contribution and would not deliver affordable housing on a strategically important site to help address the significant need for affordable housing across the plan area. This is contrary to the requirements of Policy HC4 of the development plan.

### **Infrastructure requirements and developer contributions**

7.219 Policy S10 of the development plan deals with Local Infrastructure Provision and states that the District Council will work with partners to ensure that infrastructure will be in place at the right time to meet the needs of the District and to support the development strategy. In addition to a financial contribution towards affordable housing contributions towards sports facilities, education, highway and travel, library services and health care provision would also be required to make the development acceptable in planning terms.

7.220 The Developer Contributions SPD sets out that where a development would produce extra demand on local health care provision beyond the capacity of existing provision, developer contributions may be sought to meet the needs arising. The SPD also states that new housing development will be required where appropriate to make further playing pitch provision, or improvements to existing pitches in the area where it is considered necessary to accommodate additional demand.

7.221 Following completion of the consultation under regulation 22 of the Environmental Impact Assessment Regulations (2011) in June 2023, the following contributions have been identified as being required to meet the needs arising from the development:

<b>Section 106 Contribution Requests</b>	<b>Cost (£)</b>
Healthcare	£203,040
Bus contribution	£410,000
Sandy Lane PROW improvement	£103,445
Travel Plan for new dwellings	£241,560
Area wide Travel Plan	£267,000
Travel Plan monitoring	£8,880
Primary school	£2,012,159
Secondary school	£3,622,692
SEND places	£334,244
Library contribution	£29,780
<b>Total</b>	<b>£7,232,800</b>

7.222 All of the above contributions are considered to be CIL regulations compliant.

7.223 The applicant has submitted with the application, an Open Space and Playing Fields Contribution Statement (dated August 2022). The Developer Contributions SPD advises that the Council will assess proposals using the Derbyshire Dales Playing Pitch Calculator. The use of the Playing Pitch Calculator is in line with the updated Playing Pitch Strategy and is an accepted means of calculating contributions for outdoor sports facilities. It has been agreed the proposed development site is not suitable to provide on-site playing fields, primarily due to the topography. As a consequence, it has been agreed that the new development should provide off site contributions towards improvements at Cavendish Road Playing Fields.

7.224 The Council's 2018 Playing Pitch Strategy assessment report reveals that;

- Current and future demand is being met for football (although there is no spare capacity)
- There is a need for a further 3G AGPs for football
- Both current and projected future demand is met for cricket
- There are shortages of rugby union pitches with a requirement for an additional 6 MES to meet future demand
- Demand for hockey will be met, subject to community use at St Anselm's School
- Current and future demand is met for tennis, although quality improvements are required.

Additional capacity is required for football (3G), as well as for rugby. This means that there is insufficient capacity within the existing pitch infrastructure to meet demand for these sports and contributions towards increased capacity are justified.

7.225 Using the Sport England Playing Pitch Calculator a capital contribution of £139,825 and maintenance contribution of £62,145 is required. Following consultation with the Council, Derbyshire FA and the RFU it has been indicated that this contribution would be best targeted at Cavendish Fields and Cromford Meadows.

7.226 The Developer Contributions SPD also sets out that full fibre broadband connectivity with speeds up to 1000mbps should be sought within new housing development sites, also known as Fibre to the Premises (FTTP). The SPD sets out that as a minimum the District Council requires all new development to provide the necessary ducting within a site to facilitate FTTP. This would need to be secured by condition.

7.227 As set out in the viability section of this report in order to deliver the required level of developer contributions to meet the additional demands arising from the development, the level of affordable housing would need to be reduced to 5%.

7.228 Policy S10 states that new development will only be permitted where the infrastructure necessary to serve it is either available, or where suitable arrangements are in place to provide it within an agreed timeframe. It also states that arrangements for the provision, or improvement of infrastructure directly related to a planning application will be secured by planning obligation or, where appropriate, via conditions attached to a planning permission. This will ensure that the necessary improvements can be completed prior to occupation of development, or the relevant phase of a development. The Local Planning Authority have agreed to suitable triggers for contributions to be made with the applicant to assist with viability and to ensure that infrastructure will be in place at the right time to meet the needs of the development.

7.229 The delivery of affordable housing is a priority of the District Council and would take precedent over the additional education and sport contributions requested. The contributions towards highway improvements and to encourage sustainable travel are fundamental to the acceptability of the development and would need to be provided. The

reduction in the amount of such developer contributions would not, in itself, constitute a sustainable reason for refusal of the application in planning terms having regard to the viability position and priorities of the Council in officers' view. The consequence of not providing the number of school places necessary to meet the needs arising from the development could mean that future residents need to travel further afield to access education. Claw back and review provisions within any S106 agreement would be recommended to provide opportunity for greater provision to be made in circumstances where sales values and costs allow.

- 7.230 The applicant has indicated, through their agent, in correspondence dated 8<sup>th</sup> March 2024, that due to a change in economic conditions and requests for s.106 contributions, along with taking into account the conclusions of the Councils viability expert and the subsequent passage of time, they are progressing with an updated viability appraisal for the proposed development. This indicates that they consider that the specified level of affordable housing and developer contributions tested can no longer be viably made, however, until such time as their position is made clear the application must be assessed based on the information received to date.

**Open space provision**

- 7.231 Policy HC14 of the Adopted Derbyshire Dales Local Plan (2017) advises that the District Council will seek to protect, maintain and where possible enhance existing open spaces, sport and recreational buildings and land including playing fields in order to ensure their continued contribution to the health and well-being of local communities. This will be achieved by amongst other considerations, improving the quantity, quality and value of play, sports and other amenity greenspace provision through requiring new residential developments of 11 dwellings or more to provide or contribute towards public open space and sports facilities in line with the Derbyshire Dales local open space and recreation provision standards set out in Table 6. Table 6 set out the open space requirements of the district. This has since been reviewed. The Derbyshire Dales Open Space Standards Paper (2018) sought to identify the deficiencies and surpluses in existing and future provision of open space. This is reflected in The Developer Contributions SPD.
- 7.232 In order to improve the quantity, quality and value of play and other amenity greenspace provision new residential developments of 11 or more dwellings will be required to provide or contribute towards public open space in line with the standards identified in the Derbyshire Dales Built Sports Facilities and Open Space Strategy (January 2018) as set out below:

Type	Area Requirement Square Metres per dwelling
Parks and Gardens	9.74
Provision for children and young people	1.62
Allotments	3.94

- 7.233 The Open Space and Playing Fields Contribution Statement (dated August 2022) submitted by the applicant assesses the development proposals against the above requirements. It demonstrates a surplus of parks and gardens and children and young people space. The application includes a large 'Countryside Park' along the northern edge of the site. This will, however, come forward on later phases, currently forming part of the outline application. The development on the first phase, applied for in full does not provide the requisite amount of open space required by the Developer Contributions SPD and no mechanism is provided in terms of how provision for children and young people would be made in circumstances where future development on the site did not come forward. The delivery of play space could, however, be a condition of development or



secure through legal agreement as could a commensurate allotment contribution. Given the town location of the site and access to parks, it is not considered that a formal park is required in respect of the first phase of development.

- 7.234 The application does not make provision for allotments. The Developer Contributions SPD sets a minimum size criterion of 0.4ha for allotments. The impact of the proposed new development is not sufficient to justify the creation of on-site allotments as the site would be too small. An of site contribution would therefore be appropriate in this instance. At £59.10 per dwelling the total financial contribution towards the off-site provision of allotments would be £24,999. This would need to be considered with the other developer contributions.

### **Climate Change**

- 7.235 Policies S1 and PD7 state that the Council will promote a development strategy that seeks to mitigate the impacts of climate change and respects our environmental limits by: requiring new development to be designed to contribute to achieving national targets to reduce greenhouse emissions by using land-form, layout, building orientation, planting, massing and landscaping to reduce energy consumption; supporting generation of energy from renewable or low-carbon sources; promoting sustainable design and construction techniques, securing energy efficiency through building design; supporting a sustainable pattern of development; water efficiency and sustainable waste management.
- 7.236 The applicant has including sustainable building design requirements and had regard to the requirements set out in the Climate Change SPD. They advise that in addition to the delivery of sustainable urban drainage system to ensure that the development will be climate resilient a fabric first approach will be taken to sustainable building design. All buildings will aim to minimise the need for energy consumption through methods such as:
- Maximising air-tightness;
  - Using super-high insulation;
  - Optimising solar gain through the provision of openings and shading;
  - Optimising natural ventilation; and
  - Using the thermal mass of the building fabric.

The applicant also advises that where appropriate sustainable building techniques, including using building materials capable of being recycled and reducing construction waste will be adopted. Future homeowners will have access to electric charging points and any new dwelling built after 2025 will need to meet future homes buildings standards. Given that the development programme is anticipated to be over a 9 year period, the dwellings on later phases of development will need to meet stringent energy efficiency requirements.

- 7.237 In addition to the above, the site is sustainably located and a local centre is proposed as part of the wider development that combined with the implementation of a site specific and wider area travel plan will help to minimise travel by car. With a condition to secure the above measures and other measures to help mitigate the effects of and adapt to climate change the development would contribute to helping reduce carbon emissions and energy consumption thereby mitigating the impacts of climate change in accordance with policies S1 and PD7 of the Adopted Derbyshire Dales Local Plan (2017).

### **Conclusion**

- 7.238 The application seeks development that falls within the scope and accords with housing allocation policy HC2(w) of the development plan. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.239 The development plan for the purposes of the Planning and Compulsory Purchase Act 2004 is the Adopted Derbyshire Dales Local Plan (2017). The site and proposed development is allocated in the development plan and is essential to the to the delivery of the development plans spatial strategy and overall vision. It is not considered to be out of date for the purposes of paragraph 11 d) in the Framework (on the basis that the Council is unable to demonstrate a 5-year housing land supply at this time). There is nonetheless a presumption that the site will come forward for development and there is a tilted balance in favour of sustainable development in this respect.
- 7.240 The site is covered by strategic site allocation policy DS4 and there is a suite of policies in the development plan, which align with policies contained within the National Planning Policy Framework which seek to ensure the development contributes towards achieving sustainable development.
- 7.241 Whilst it is recognised that the delivery of housing is a significant benefit of the development, there a number of shortcomings in the application proposals that do not deliver sustainable development that will improve the economic, environmental and social conditions of the area.
- 7.242 Significant concern has been raised by the Council's drainage consultants regarding the suitability of the land drainage proposals. The application has been presented in a manner and lacks sufficient detail in order for the Local Planning Authority to be satisfied that the development can be delivered without resulting in flood risk on site, elsewhere or presenting unacceptable risk to public safety.
- 7.243 As set out in the hydrology and drainage section of this report, the volume of water that would need to be stored on high ground and upslope of the town is a significant concern. The submission of a hybrid application, with the later phases of development applied for in outline is unfortunate in terms of presenting a robust drainage strategy that addresses all of the drainage consultants concerns and will not present unacceptable flood risks. Without a robust drainage strategy and consideration of the matters raised by the independent drainage consultant appointed by the Council there can be no certainty that the development can be delivered in a manner that will not result in unacceptable flood risk and that the amount of surface water can be stored safely. This is fundamental to the acceptability of the development proposals in terms of the amount and nature of development applied for.
- 7.244 Furthermore, without any understanding of the final design and suitability of the surface water attenuation features to accommodate habitat of very high distinctiveness / principal importance, the Local Planning Authority cannot be satisfied that the development would not result in an unacceptable loss of biodiversity contrary to the requirements of Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017) and paragraph 180 of the National Planning Policy Framework (2023).
- 7.245 Insufficient information has also been presented to demonstrate that the surface water attenuation features serving phases 2 – 4 and link road crossing them can be delivered in a manner that would not result in harm to the character and appearance of this part of Matlock. On high ground and on the fringes of the settlement, such features could appear brutal in the landscape.

- 7.246 Finally, the application does not deliver the amount of affordable housing that has been demonstrated can be viably made through viability testing in respect of the full application or include a mechanism to ensure that the requisite amount of affordable housing and developer contributions necessary to serve this part of the application, in circumstances where the development on later phases applied for in outline does not come forward. This does not help to address the significant need for affordable housing across the plan area on a strategically important site.
- 7.247 Taking the above into consideration and when considered in the round the development would not contribute positively to the delivery of sustainable development and it is recommended that the application be refused for these reasons.

## **8. RECOMMENDATION**

That the application be refused for the following reasons:

1. The application lacks sufficient detail in order for the Local Planning Authority to be satisfied that the development can be delivered without resulting in flood risk on site, elsewhere or presenting unacceptable risk to public safety contrary to the requirements of Policies S1 and S8 of the Adopted Derbyshire Dales Local Plan (2017) and the objectives of paragraphs 157, 173 and 175 of the National Planning Policy Framework (2023).
2. Without any understanding of the final design and construction of the surface water attenuation features proposed to accommodate habitat of very high distinctiveness / principal importance to be translocated, the Local Planning Authority cannot be satisfied that the development would not result in an unacceptable loss of biodiversity. The development is therefore contrary to the requirements of Policies S1, PD3 of the Adopted Derbyshire Dales Local Plan (2017) and paragraph 180 of the National Planning Policy Framework (2023).
3. Insufficient information has been submitted to demonstrate that the surface water attenuation features serving phases 2 – 4 and link road crossing the valley feature can be delivered in a manner that would not result in harm to the character and appearance of this part of Matlock, contrary to the requirements of Policies S1, S7, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017) and Policy contained in the National Planning Policy Framework (2023).
4. The application does not deliver the amount of affordable housing that has been demonstrated can be viably made through viability testing in respect of the full application or include a mechanism to ensure that the requisite amount of affordable housing and other developer contributions necessary to serve this part of the application are delivered in circumstances where the development on later phases (applied for in outline) does not come forward. This is contrary to the requirements of Policies S10 and HC4 of the Adopted Derbyshire Dales Local Plan (2017).

## **INFORMATIVES:**

The Local Planning Authority has met and discussed the merits of the application with the applicant during the consideration of the application and accommodated a number of significant revisions and additional information. Following the consideration of this information it has concluded that there is no prospect of resolving the fundamental planning problems with the application through further negotiation. On this basis the requirement to engage in a positive and proactive manner was considered to be best served by the Local Planning Authority issuing a decision on the application within the agreed extension of time and thereby allowing the applicant to exercise their right to appeal.

This Decision Notice relates to the following plans and documents:

Environmental Statement Supplementary Addendums dated May 2023 (Volume 4) and Associated Addendums

Updated Non Technical Summary dated May 2023

Open Space and Playing Fields Contributions report dated August 2023

Design and Access Statement Addendum dated May 2023

Drawings for Phase 1 and the Scheme on the Full and Outline Parts of the Site

Phase 1 drawings from Stephen George Partnership (SGP) as listed in their enclosed Document Issue Sheet 120 [which replace their previous set of drawings as submitted with WYG letter dated 14 October 2019 and Drawing No. 16-011-P14 Rev. D as submitted in ES Addendum (Volume 3) with our letter dated 31 March 2021].

Phase 1 Landscape Proposals (Sheets 1 to 4) as shown on Urban Wilderness Drawing Nos. 323-UW-P-004 Rev. J to 323-UW-P-005 Rev. H inclusive [which replace the munro+whitten Phase 1 landscape proposals Drawing No. 0707.09C to 0707.12C - sheets 1 to 4 inclusive - as submitted with WYG~ letter dated 14 October 2019].

323-UW-P-004 Rev.J Landscape Proposals 1of4

323-UW-P-005 Rev. H Landscape Proposals 2of4

323-UW-P-006 Rev H Landscape Proposals 3of4

323-UW-P-007 Rev H Landscape Proposals 4of4

Drawing No. 0707.04C Density Plan [as previously submitted]

Drawing No. 0707.005C Parameters Plan [as previously submitted]

Drawing No. 323-UW-P-003 Existing Vegetation - Retention and Removal [replaces 0707.06A]

Drawing No. 323-UW-P-009-Rev. B Illustrative Development Masterplan [replaces 0707. 07. Q]

Drawing No. 323-UW-P-Rev. A-012 Phasing Plan [replaces 0707. 008. C]

Drawing No. 16-011 P13 Rev. L Phase 1- Proposed Site Layout [replaces 16-011 P14 Rev. D

16-011 P13 Proposed Site Plan

16-011 P03 Proposed Materials Plan

16-011 P04 Proposed Hard Landscaping Plan

16-011 P05 Proposed Boundary Treatments Plan

16-011 P06 Proposed Street Elevations C&D&F

16-011 P07 Proposed Street Elevations A&B

16-011 P08 3D Site View 1

16-011 P09 3D Site View 2

16-011 A02 Electric Vehicle Charging Point Plan

16-011 BA(PC)-4 Bakewell stone (PC) house type drawing

16-011 BA-2 Bakewell render house type drawing

16-011 BF(RC)-1 Brocksford (RC) house type drawing

16-011 BF(RC)-2 Brocksford render (RC) house type drawing

16-011 CF(PC)-1 Cromford (PC) house type drawing

16-011 CF-1 Cromford (PC) house type drawing

16-011 FD-1 Findern house type drawing

16-011 HA(PC)-1 Hathersage (PC) house type drawing

16-011 HA-1 Hathersage house type drawing

16-011 HN(RC)-1 Hartington (RC) house type drawing

16-011 HN(RC)-2 Hartington render (RC) house type drawing

16-011 HN-2 Hartington render house type drawing

16-011 HW-1 Hardwick house type drawing

16-011 HW-2 Hardwick render house type drawing

16-011 KL(PC)-4 Kedlestone stone (PC) house type drawing

16-011 LD(FC)-4 Longford stone (FC) house type drawing

16-011 LD-1 Longford house type drawing

16-011 LD-2 Longford render house type drawing

16-011 OT-1 Oakenthorpe house type drawing

16-011 RB(RC)-1 Riber (RC) house type drawing

16-011 RB(RC)-2 Riber render (RC) house type drawing  
 16-011 RD(PC)-2 Radbourne render (PC) house type drawing  
 16-011 RD(PC)-4 Radbourne stone (PC) house type drawing  
 16-011 RS-1 Rowsley house type drawing  
 16-011 TA-1 Tapton house type drawing  
 16-011 WS(FC)-1 Wessington (FC) house type drawing  
 16-011 WS(FC)-2 Wessington render (FC) house type drawing  
 16-011 WS-1 Wessington house type drawing  
 16-011 WS-1 (Det) Wessington Detached house type drawing  
 16-011 WS-2 (Det) Wessington render Detached house type  
 6235 L83 Metal Railing  
 6235 L65 Brick Screen Wall  
 6235 L57 Post & Rail Fence  
 6235 L89 Brick Screen Wall  
 6235 L62 Waney Edged Panel Fence  
 6235 L59 Timber Knee Rail  
 6235 L56 Palisade Fence - 1800mm  
 6235 L44 Timber Fence -1800mm  
 16-011-LD(FC)-4 Longford Stone house type drawing  
 551 Drainage Strategy (Proposed Pond Section Locations)- 02/08/22  
 023 Rev A- A632/Gritstone Road/ Wolds Road Improvements 06/10/2020  
 Land drainage correspondence and supporting information received 06/10/2020  
 16-011 P14 Rev D- Proposed Site Layout  
 16-011 P02 Rev R- Proposed Site Layout 11/2018  
 Phase 1 -Vehicle Tracking 1006 Rev D -20/12/2019  
 501 Rev B- Phase 1 S104 Drainage Sheet 1  
 502 Rev B- Phase 1 S104 Drainage Sheet 2  
 503 Rev B- Phase 1 Drained Areas Sheet 1 Rev B  
 504 Rev B- Phase 1 Drained Areas Sheet 2 Rev B  
 505 Rev A -Existing Catchments -Catchment F Time Area Diagram  
 506 Rev A- Phase 1 S104 Drainage Schedules  
 591 Rev A Sandy Lane Cross Sections  
 550 Location Plan- Existing Catchments and Overland Flow Routes  
 0707.03A- Figure 1.2 Application Site Plan 22/11/2018  
 16-011-P10- Proposed Site Sections  
 Housing Mix Implications on Urban Design Statement- 10/2019  
 16-011 GB14 Proposed Garage  
 16-011-P-GB.01 (S1) Proposed Garage Rev B  
 16-011-P-GB.01 (S2) Proposed Garage  
 16-011-P-GB.01 Proposed Garage Rev B  
 16-011-P-GB.02 Proposed Garage Rev B  
 16-011-P-GB.02 (S1) Proposed Garage Rev B  
 16-011-P-GB.02 (S2) Proposed Garage Rev B  
 16-011-P-GB.03 Proposed Garage Rev B  
 16-011-P-GB.06 Proposed Garage Rev B  
 16-011-P-GB.14 Proposed Garage  
 16-011-P-GB.10 Proposed Garage  
 16-011-P-GB.09 (S1) Proposed Garage  
 16-011-GB14 (S1)- Triple Garage  
 Updated Non-Technical Summary dated May 2023  
 Open Space and Playing Fields Contributions report dated August 2023  
 Design and Access Statement Addendum dated May 2023  
 A091658-35-12-551I Rev I Matlock PH1, PH2 Drainage Strategy (received April 2022)  
 HLD Viability Assessment Work and Update Letters  
 CPV Viability Assessment Work undertaken on behalf of the Council (Reports dated April 2022  
 and November 2023)

Abnormal Costs Summary and Assessment by Prosurv  
Abnormal Costs Assessment Work undertaken on behalf of the District Council by RCS  
Construction Ltd  
Environmental Statement Revised Chapter 1 and Associated Appendices (May 2021)  
Environmental Statement Revised Chapter 2 and Associated Appendices (May 2021)  
Environmental Statement Revised Chapter 4 and Associated Appendices (May 2021)  
Environmental Statement Revised Chapter 7 and Associated Appendices (May 2021)  
Climate Change Statement  
Residential Travel Plan June 2019  
Supplementary Transport Statement  
Utilities Assessment - 11/2018  
Planning Statement - 11/2018  
Environmental Statement Volumes 1 and 2 and Associated Appendices  
Statement of Community Involvement  
Utilities Assessment

## **BACKGROUND PAPERS**

The following documents have been identified in accordance with the provisions of Section 100(d) (5) (a) of the Local Government Act 1972 and are listed for inspection by members of the public.

Background papers used in compiling reports to this Agenda consist of:

- The individual planning application, (including any supplementary information supplied by or on behalf of the applicant) and representations received from persons or bodies consulted upon the application by the Local Planning Authority and from members of the public and interested bodies by the time of preparation of the Agenda.
- The Town and Country Planning Act 1990 (as amended), the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and related Acts, Orders and Regulation and Circulars published by or on behalf of the Secretary of State for the Department for Communities and Local Government.
- The National Planning Policy Framework
- The Planning Practice Guidance

These documents are available for inspection and will remain available for a period of up to 4 years from the date of the meeting, during normal office hours. Requests to see them should be made to our Business Support Unit on 01629 761336 and arrangements will be made to comply with the request as soon as practicable.

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