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Monday, 5 December 2022

To All Councillors:

As a Member or Substitute of the **Planning Committee**, please treat this as your summons to attend a meeting on **Tuesday, 13 December 2022** at **6.00 pm** in the **Council Chamber, Town Hall, Matlock, DE4 3NN**

Yours sincerely,

James McLaughlin
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

AGENDA

SITE VISITS: Attached to the agenda is a list of sites the Committee will visit (**by coach**) on **Monday, 12 December 2022**. 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 of any apologies for absence.

2. APPROVAL OF MINUTES OF PREVIOUS MEETING (Pages 9 - 18)

8th November 2022

3. 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.

4. 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 www.derbyshiredales.gov.uk/attendameeting. Alternatively email: committee@derbyshiredales.gov.uk or telephone 01629 761133.

5. 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.

5.1. APPLICATION NO. 22/01011/FUL (Pages 19 - 42)

Change of use of public house and associated land to be a mixed use comprising coffee house, bar and restaurant and place of assembly and leisure including functions, event and display areas, and ancillary retail use. Erection of a retail and coffee shop (including additional toilets); formation of additional car parking; formation of new vehicular access; groundworks to create external seating and display area; landscaping and drainage infrastructure and other associated works at The Knockerdown Inn, Knockerdown, Ashbourne, Derbyshire, DE6 1NQ.

5.2. APPLICATION NO. 22/00378/FUL (Pages 43 - 56)

Change of use of land for private equestrian use, erection of stable block, formation of manege and relocation of access with associated parking area at Land North of Park House Farm, Wyaston Road, Yeaveley, Derbyshire.

5.3. APPLICATION NO. 22/00721/VCOND (Pages 57 - 66)

Variation of Conditions 3, 4 and 5 of planning permission 15/00741/FUL to facilitate amplified music and public address, allow 24 outdoor markets within a calendar year and vary hours of setup and access for events and markets at Peak Village Estates, Chatsworth Road, Rowsley.

5.4. APPLICATION NO. 22/00777/OUT - WITHDRAWN (Pages 67 - 98)

Outline planning application for the erection of up to 30no. dwellinghouses with approval being sought for access at Land off Belper Road, Ashbourne.

5.5. APPLICATION NO. 22/00938/FUL (Pages 99 - 128)

Erection of 18 no. dwellinghouses and associated development at Land North of Old Marston Lane, Doveridge.

5.6. APPLICATION NO. 22/01044/OUT (Pages 129 - 170)

Outline planning application for the erection of up to 75 no.dwellinghouses and associated development with approval being sought for access at Land off Chesterfield Road and Quarry Lane, Matlock.

5.7. APPLICATION NO. 22/01092/FUL (Pages 171 - 180)

Installation of lime render at 10 Greenhill, Wirksworth, Matlock, Derbyshire, DE4 4EN.

6. APPEALS PROGRESS REPORT (Pages 181 - 194)

To consider a status report on appeals made to the Planning Inspectorate.

Members of the Committee: Jason Atkin (Chair), Richard FitzHerbert (Vice-Chair)

Jacqueline Allison, Robert Archer, Sue Burfoot, Neil Buttle, Tom Donnelly, Graham Elliott, Helen Froggatt, David Hughes, Stuart Lees, Peter O'Brien, Garry Purdy, Janet Rose and Peter Slack

Nominated Substitute Members:

Substitutes – Councillors Matt Buckler, Paul Cruise, Chris Furness, Dawn Greatorex, Andrew Statham, Colin Swindell, Steve Wain and Mark Wakeman

SITE VISITS

Members are asked to convene outside Reception, at the front entrance of the Town Hall, Matlock at **9:50am prompt** on **Monday, 12 December 2022**, before leaving (**by coach**) at **10:00am** to visit the following sites.

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.

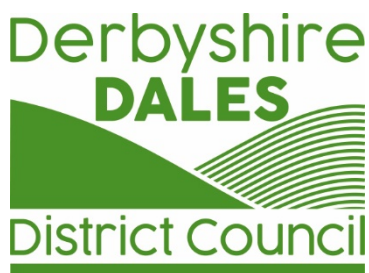
- g) After the presentation it will be for the Chairman to decide whether any points need further elaboration or whether any questions which have been raised need to be dealt with by Officers.
- h) The relevant Committee Chairman shall exercise discretion during the meeting to rule out immediately any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

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SITE VISITS

LEAVE OFFICE		10.00
22/00938/FUL	Land North Of Old Marston Lane, Doveridge, Derbyshire	10:50 (20 mins)
22/00378/FUL	Land North Of Park House Farm, Wyaston Road, Yeaaveley, Derbyshire	11:25 (15 mins)
22/01011/FUL	The Knockerdown Inn, Knockerdown, Ashbourne, Derbyshire, DE6 1NQ	12:00 (20 mins)
22/01092/FUL	10 Greenhill, Wirksworth, Matlock, Derbyshire, DE4 4EN	12:40 (15 mins)
22/00721/VCOND	Peak Village Estates, Chatsworth Road, Rowsley, Derbyshire	13:20 (20 mins)
22/01044/OUT	Land Off Chesterfield Road & Quarry Lane, Matlock, Derbyshire	14:00 (20 mins)
RETURN		14:30

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Planning Committee

Minutes of a Planning Committee meeting held at 6.00 pm on Tuesday, 8th November, 2022 in the Council Chamber, Town Hall, Matlock, DE4 3NN.

PRESENT Councillor Jason Atkin - In the Chair

Councillors: Sue Burfoot, Neil Buttle, Tom Donnelly, Graham Elliott, Richard FitzHerbert, Helen Froggatt, David Hughes, Stuart Lees, Peter O'Brien, Garry Purdy, Janet Rose and Peter Slack

Present as Substitute - Councillors: Matt Buckler and Steve Wain

Kerry France (Legal Services Manager), Chris Whitmore (Development Control Manager), Adam Maxwell (Principal Planning Officer), Tommy Shaw (Democratic Services Team Leader) and Angela Gratton (Democratic Services Officer)

Members of the Public – 47

Note:

"Opinions expressed or statements made by individual persons during the public participation part of a Council or committee meeting are not the opinions or statements of Derbyshire Dales District Council. These comments are made by individuals who have exercised the provisions of the Council's Constitution to address a specific meeting. The Council therefore accepts no liability for any defamatory remarks that are made during a meeting that are replicated on this document."

APOLOGIES

Apologies for absence were received from Councillor(s): Jacqueline Allison and Robert Archer

179/22 - APPROVAL OF MINUTES OF PREVIOUS MEETING

It was moved by Councillor Jason Atkin, Seconded by Councillor Tom Donnelly and

RESOLVED (unanimously)

That the minutes of the meeting of the Planning Committee held on 11 October 2022 be approved as a correct record.

The Chairman declared the motion **CARRIED**.

180/22 - INTERESTS

Councillor Steve Wain declared a non-pecuniary interest in Item 5.3 Application No. 22/00558/FUL Mad Hatter, 34 Crown Square.

The Chairman moved Item 5.6 Application No 22/00769/FUL and Item 5.7 Application 22/00770/LBALT to the start of the meeting debated as one item.

181/22 - APPLICATION NO. 22/00769/FUL AND 22/00770/LBALT

The Development Manager gave a presentation showing details of the application and photographs of the site and its surroundings.

The Committee visited the site prior to the meeting to allow Members to appreciate the proposal in the context of its surroundings.

In accordance with the procedure for public participation, Dr Ann Tobin (Local Resident) and Ms Beverly Van De Griend (Local Resident) spoke against the application. Ms Alexandra Palfreyman (Agent) spoke in support of the application.

Consultation responses were set out in section 5 of the report.

Correspondence received after publication of the agenda was distributed at the meeting. This comprised of clarification of condition one of the Officer's report.

During debate Councillor Garry Purdy moved to defer the application until a flood risk assessment had been carried out and clarification on parking at the top of the shared access un-adopted lane at the rear of the property and the surface material to be used for the track had been given. This was seconded by Councillor Sue Burfoot and

RESOLVED

That planning permission be DEFERRED.

Voting

14 For
1 Against
0 Abstentions

The Chairman declared the motion **CARRIED**.

182/22 - APPLICATION NO. 21/01412/OUT

The Development Manager gave a presentation showing details of the application and photographs of the site and surroundings.

In accordance with the procedure for public participation, Mr Jamie Foot (Agent) spoke in support of the application.

Consultation responses were set out in section 5 of the report.

Correspondence received after publication of the agenda was distributed at the meeting. This comprised of attention being drawn to an inaccuracy in the application section of the report.

It was moved by Councillor Garry Purdy, seconded by Councillor David Hughes and

RESOLVED

That planning permission be approved subject to the conditions set out in the report.

Voting

13 For
2 Against
0 Abstentions

The Chairman declared the motion **CARRIED**.

183/22 - APPLICATION NO. 22/00194/FUL

The Development Manager gave a presentation showing details of the application and photographs of the site and surroundings.

In accordance with the procedure for public participation, Mr Andrew Stock (Agent) spoke in support of the application. Cllr. Jason Farmer (Darley Dale Town Council), Mr Ian Walker (Local Resident), Mr Archie Walker (Local Resident) and Mr Rodney Howlett (Local Resident) spoke against the application.

Consultation responses were set out in section 5 of the report.

It was moved by Councillor Richard FitzHerbert with an additional condition regarding the linkage of the two play areas for safety, seconded by Councillor Garry Purdy and

RESOLVED

That planning permission be approved subject to the conditions set out in the report and the following additional wording to part j) of recommended Condition 12 following the completion of a S106 planning obligation agreement to secure 2 no. first homes and an off-site affordable housing contribution equivalent to 3.4 units (£154,577.60) and a contribution of £168,198.42 towards secondary and post 16 school places and demarcation of a link between the two areas if sited either side of the access road.

Voting

10 For
4 Against
1 Abstentions

The Chairman declared the motion **CARRIED**.

184/22 - APPLICATION NO. 22/00558/FUL

At **7:28pm** Councillor Wain left the meeting during consideration of this application due to declaring a non-pecuniary interest in this application.

The Development Manager gave a presentation showing details of the application and photographs of the site and surroundings.

The Committee visited the site prior to the meeting to allow Members to appreciate the proposal in the context of its surroundings.

In accordance with the procedure for public participation, Cllr Steve Wain (Ward Member) commented on the application, Ms Wendy Spencer (Applicant) and Mr Steven Murphy spoke in support of the application.

Consultation responses were set out in section 5 of the report.

During debate Councillor Richard FitzHerbert moved to approve the application providing that the sides of the timber structure would be removable and the owners would put in place a mechanism to remove the structure should access be required by the Environment Agency for maintenance. This was seconded by Councillor Graham Elliott and

RESOLVED

That planning permission be approved subject to the condition set out below:

Within 28 days of the date of this decision, details of the method and mechanism for the removal of the building (in full or part) when access to the flood defence wall is required for inspection and maintenance purposes following notice from the Environment Agency shall be submitted to and approved in writing by the Local Planning Authority. Access shall thereafter be provided to the flood defence wall for inspection and maintenance purposes in accordance with the approved details.

Voting

12 For

1 Against

1 Abstentions

The Chairman declared the motion **CARRIED**.

The meeting was adjourned from **8:08pm** for 15 minutes following consideration of this item.

185/22 - DURATION OF MEETING (MOTION TO CONTINUE)

At **8:22 pm** it was moved by Councillor Jason Atkin, seconded by Councillor Tom Donnelly and

RESOLVED (Unanimously)

That, in accordance with **Rule of Procedure 13**, the meeting continue to enable the business on the agenda to be concluded.

The Chairman declared the motion **CARRIED**.

186/22 - APPLICATION NO. 22/00615/FUL

The Principal Planning Officer gave a presentation showing details of the application and photographs of the site and surroundings.

In accordance with the procedure for public participation, Cllr Michelle Morley (Ward Member read out by Democratic Services Officer) and Mr Liam Ellis (Applicant) spoke in support of the application.

Consultation responses were set out in section 5 of the report.

Correspondence received after publication of the agenda was distributed at the meeting. This comprised of updated information from the agent and a letter of support from the applicant's vet.

During debate Members agreed the farm unit is viable and sustainable and there was a fundamental need to be on site permanently.

It was moved by Councillor Richard FitzHerbert to approve the application with the following conditions:

1. The development hereby permitted must be begun before the expiration of three years from the date of this permission.
2. Samples of all materials to be used in the construction of the external surfaces of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any work to any external surface is carried out. The development shall thereafter be constructed in accordance with the approved details.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no external alterations or additions shall be made to the hereby approved dwelling and no buildings, extensions, gates, hardstanding, fences or walls (other than those expressly authorised by this permission) shall be carried out within the curtilage of the dwelling without the prior written approval of the Local Planning Authority upon an application submitted to it.
4. The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture as defined in Section 336 of the Town and Country Planning Act 1990, or any subsequent equivalent statutory provision, or a dependent of such a person residing with him or her, or a widow or widower of such a person.

Reason: The site lies in an area where permission for development unrelated to the essential needs of agriculture is prohibited.

5. Prior to the works beginning on the superstructure of the dwelling a programme for the delivery of the measures to mitigate the effects of and adapt to climate change shall be submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be carried out in accordance with the approved programme.

6. Following the successful completion of a legal agreement to tie the dwelling to the land and buildings controlled by the applicant

This was seconded by Councillor Stuart Lees and

RESOLVED

That planning permission be approved subject to the conditions as shown above.

Voting

14 For
1 Against
0 Abstentions

The Chairman declared the motion **CARRIED**.

At 8:58 pm Councillor Graham Elliott left the meeting.

187/22 - APPLICATION NO. 22/00634/REM

The Development Manager gave a presentation showing details of the application and photographs of the site and surroundings.

The Committee visited the site prior to the meeting to allow Members to appreciate the proposal in the context of its surroundings.

In accordance with the procedure for public participation, Mr Richard Pigott (Agent) spoke in support of the application. Mr Eric Andrew (Local Resident) and Mr Paul Whitehead (Local Resident) spoke against the application.

Consultation responses were set out in section 5 of the report.

Correspondence received after publication of the agenda was distributed at the meeting. This comprised of amended wording to Conditions 1 and 10.

It was moved by Councillor Peter Slack, seconded by Councillor David Hughes and

RESOLVED

That planning permission be approved subject to the conditions set out in the report.

Voting

10 For
1 Against
1 Abstentions

The Chairman declared the motion **CARRIED**.

188/22 - APPLICATION NO. 22/00798/FUL

The Development gave a presentation showing details of the application and photographs of the site and surroundings.

The Committee visited the site prior to the meeting to allow Members to appreciate the proposal in the context of its surroundings.

Consultation responses were set out in section 5 of the report.

Correspondence received after publication of the agenda was distributed at the meeting. This comprised of comments received from a local resident.

It was moved by Councillor Tom Donnelly to approve with an additional condition:

That there shall be no storage of materials or machinery / equipment associated with the construction of the extension on the access or shared garaging area to the north of the site. Materials and machinery / equipment associated with the construction of the extension shall be stored within the application site unless otherwise agreed in writing by the Local Planning Authority.

This was seconded by Councillor Helen Froggatt and

RESOLVED (unanimously)

That planning permission be approved subject to the conditions set out in the report and the additional condition as detailed previously.

The Chairman declared the motion **CARRIED**.

189/22 - APPLICATION NO. 22/00934/FUL

The Principal Planning Officer gave a presentation showing details of the application and photographs of the site and surroundings.

The Committee visited the site prior to the meeting to allow Members to appreciate the proposal in the context of its surroundings.

Consultation responses were set out in section 5 of the report.

It was moved by Councillor Peter O'Brien, seconded by Councillor David Hughes and

RESOLVED

That planning permission be approved.

Voting

9 For
3 Against
2 Abstentions

The Chairman declared the motion **CARRIED**.

190/22 - APPLICATION NO. 22/00952/FUL

The Principal Planning Officer gave a presentation showing details of the application and photographs of the site and surroundings.

In accordance with the procedure for public participation, Ms Hannah Street (Applicant) and Mr Rob Watson (Chair of Boylestone Parish Council) spoke in support of the application. Cllr Tony Morley (Ward Member) commented on the application.

Consultation responses were set out in section 5 of the report.

Correspondence received after publication of the agenda was distributed at the meeting. The applicant had submitted an amended plan showing the building 'as built' this plan had been added to the application and included in the presentation.

It was moved by Councillor Sue Burfoot, seconded by Councillor Garry Purdy and

RESOLVED

That planning permission be approved.

Voting

12 For
1 Against
1 Abstentions

The Chairman declared the motion **CARRIED**.

191/22 - APPLICATION NO. 22/00961/FUL

The Principal Planning Officer gave a presentation showing details of the application and photographs of the site and surroundings.

The Committee visited the site prior to the meeting to allow Members to appreciate the proposal in the context of its surroundings.

In accordance with the procedure for public participation Mr Chris Stait (Local Resident) spoke against the application. Mr Tom Gardener (Local Resident) and Ms Dawn Lewis (Local Resident) commented on the application.

Consultation responses were set out in section 5 of the report.

Correspondence received after publication of the agenda was distributed at the meeting. This comprised of comments received from two local residents.

It was moved by Councillor David Hughes, seconded by Councillor Janet Rose and

RESOLVED

That planning permission be refused for the following reason:

The development involves the establishment of a new agricultural enterprise, which requires additional land in order to be able to accommodate the amount of livestock necessary to warrant a full time agricultural worker and ensure that the enterprise would be profitable and capable of sustaining such a person. The applicant has therefore failed to demonstrate that the temporary dwelling is necessary to meet the needs of agriculture and would constitute an acceptable form of residential development in the countryside.

Voting

13 For
1 Against
1 Abstentions

The Chairman declared the motion **CARRIED**.

192/22 - APPLICATION NO. 22/00971/FUL

The Development Manager gave a presentation showing details of the application and photographs of the site and surroundings.

Correspondence received after publication of the agenda was distributed at the meeting. This comprised of comments received from a local resident.

It was moved by Councillor Tom Donnelly, seconded by Councillor Stuart Lees and

RESOLVED (unanimously)

That planning permission be approved subject to the conditions set out in the report.

The Chairman declared the motion **CARRIED**.

193/22 - APPEALS PROGRESS REPORT

It was moved by Councillor Tom Donnelly, seconded by Councillor Jason Atkin and

RESOLVED (unanimously)

That the report be noted.

The Chairman declared the motion **CARRIED**.

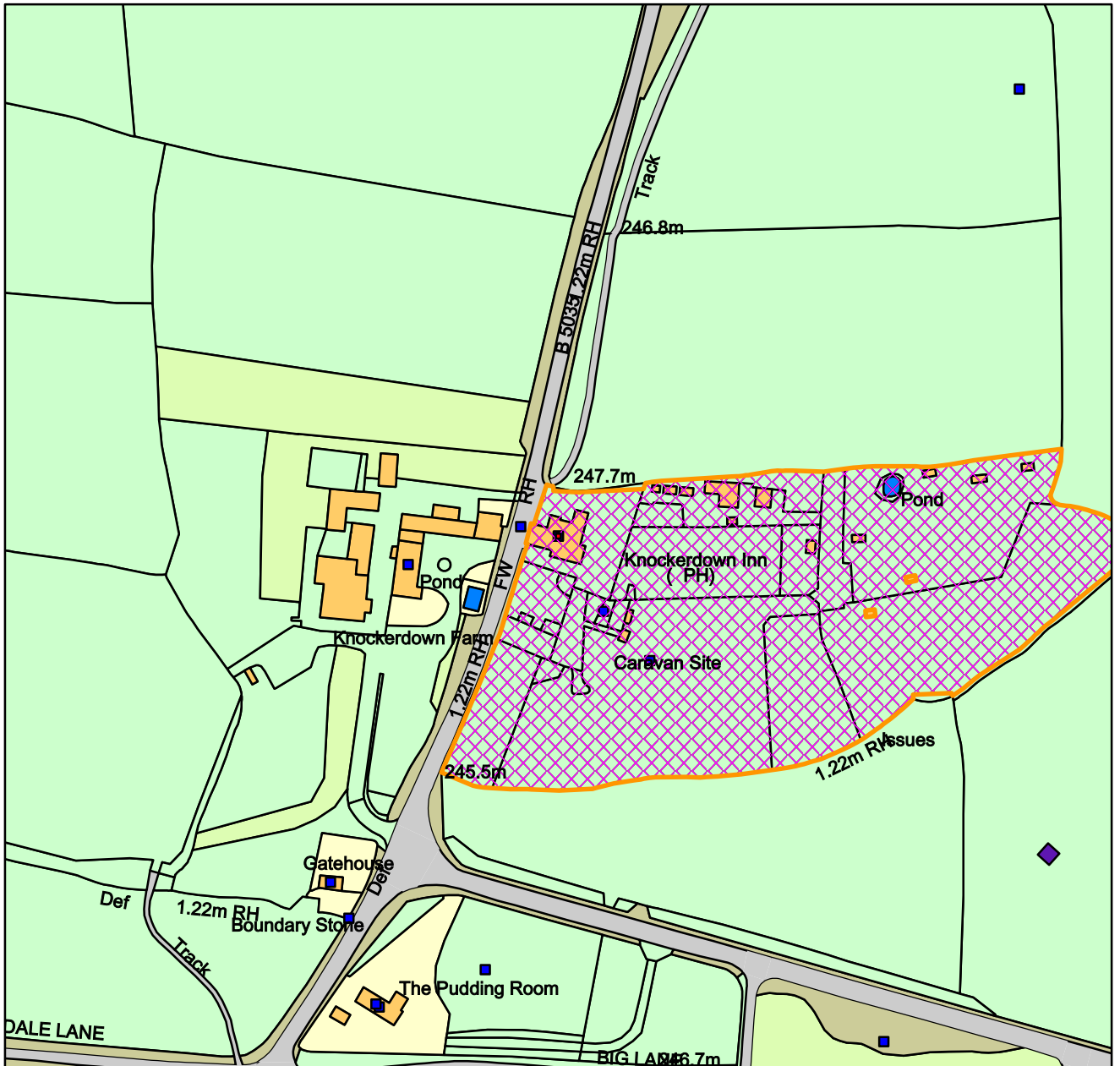
Meeting Closed: 10.40 am

Chairman

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22/01011/FUL

The Knockerdown Inn, Knockerdown



Derbyshire Dales DC

1:2,500

Date: 29/11/2022

100019785

Crown Copyright and database rights (2018) Ordnance Survey (100019785)
Derbyshire Dales District Council,
Town Hall, Bank Road, Matlock, Derbyshire DE4 3NN.
Telephone: (01629) 761100.
website: www.derbyshiredales.gov.uk

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APPLICATION NUMBER		22/01011/FUL	
SITE ADDRESS:		The Knockerdown Inn, Knockerdown, Ashbourne, Derbyshire, DE6 1NQ	
DESCRIPTION OF DEVELOPMENT		Change of use of public house and associated land to a mixed use comprising coffee house, bar & restaurant and place of assembly & leisure including functions, event and display areas, and ancillary retail use. Erection of a retail and coffee shop (including additional toilets); formation of additional car parking; formation of new vehicular access; groundworks to create external seating and display areas; landscaping and drainage infrastructure and other associated works.	
CASE OFFICER	Mr Joe Baldwin	APPLICANT	Mr Dan Macken
PARISH/TOWN	Carsington	AGENT	Mr Nick Baker (Lichfields)
WARD MEMBER(S)	Cllr Janet Rose	DETERMINATION TARGET	30.11.2022
REASON FOR DETERMINATION BY COMMITTEE	Major application	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to consider the impact of the development on the local environment

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> - The principle of the development - Sustainability of location - Impact on character and appearance of this part of the countryside and the local landscape - Impact on residential amenity - Impact on highway safety - Impact on biodiversity

RECOMMENDATION
That the application be refused.

1.0 THE SITE AND SURROUNDINGS

- 1.1 The application relates to an existing public house, The Knockerdown Inn and the surrounding land. The site is located off the eastern side of the B5035, approximately 750m to the west of the Carsington Visitor Centre. On the opposite side of the B5035 there is a range of holiday cottages a wedding venue. The site is also located to the south of the CW Sellors “Jewellery Centre of Excellence” which is currently under construction.
- 1.2 The site includes the Knockerdown Inn public house with play equipment to the south, car parking area to the north and a range of ancillary outbuilding within the adjacent fields, which had been erected in association with a historic camping/caravanning/glamping use on the fields to the east. The existing boundaries of the site comprise tree and hedgerow planting of various Carsington public footpath 8 runs across the south western corner of the site.



2.0 DETAILS OF THE APPLICATION

- 2.1 Planning permission is sought for the change of use of the existing public house on site and associated land to a mixed use development comprising coffee house, bar & restaurant and place of assembly & leisure including functions, event and display areas, and ancillary retail use. Permission is also sought for the erection of a new retail and coffee shop to the east of the existing public house. This would be of a mono-pitch roof construction with attached flat roof toilet block. The building would be clad in black treated, vertical timber.
- 2.3 A new track along the northern boundary of the site would provide access to an new crushed gravel "main car park" with 97 spaces including 6 with electric vehicle charging facilities and a new accessible car park (9 spaces) and staff car park (10 spaces) both of which would be surfaced with new asphalt. In addition, a terraced seating area would be constructed to the east of the new coffee shop and various areas of display parking would be created.
- 2.4 The proposals are set out in detail on the submitted plans received by the Local Planning Authority on 31/08/2022.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2017)
 - S1: Sustainable Development Principles
 - S2: Settlement Hierarchy
 - S4: Development in the Countryside
 - PD1: Design and Place Making
 - PD3: Biodiversity and the Natural Environment
 - PD5: Landscape Character
 - PD6: Trees, Hedgerows and Woodlands
 - PD7: Climate Change
 - PD8: Flood Risk Management and Water Quality
 - Hc15: Community Facilities and Services
 - HC19: Accessibility and Transport
 - HC21: Car Parking Standards
 - EC1: New and Existing Employment Development
 - EC8: Promoting Peak District Tourism and Culture
2. National Planning Policy Framework (2021)
 - National Planning Practice Guidance
 - Adopted Landscape Character and Design SPD (2018)
 - Adopted Climate Change SPD (2021)

4.0 RELEVANT PLANNING HISTORY:

1287/0832	Sign and lanterns	Granted	28/01/1988
0888/0577	Alterations to public house	Granted	20/09/1988
0397/0193	Display of illuminated and non-illuminated signs	Granted	15/05/1997
0391/0177	Temporary use for siting of caravans	Granted	17/04/1991
0697/0367	Extension to curtilage of public house and erection of play equipment	Granted	04/09/1997

0592/0417	Extensions and alterations, extension to car park and installation of gas tank	Granted	13/08/1992
00/10/0687	Cellar extension	Granted	23/11/2000
06/00607/FUL	Extension to public house	Granted with Conditions	13/12/2006
18/00973/CLEUD	Certificate of lawful existing use - Siting of residential caravan for staff accommodation	Refused	31/10/2018
19/00028/WREP	Certificate of lawful existing use - Siting of residential caravan for staff accommodation	Appeal Dismissed	18/10/2019

5.0 CONSULTATION RESPONSES

Carsington and Hopton Parish Council

5.1 The National Planning Policy Framework indicates that planning policies should support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors. This includes supporting the provision and expansion of tourist facilities in appropriate locations. The parish council do not believe that this is an appropriate location. The proposed development has at its heart the motor vehicle. It is understood that the other venue run by the applicants in Warwickshire is close to car manufacturing sites and a major motorway. This site is close to a renowned beauty spot in an area which has built a reputation for tourism on the surrounding outstanding natural scenery. This development has no links to its immediate environment. It is felt that it would be better placed on an A road with links to motorways given that potentially it is a destination attracting huge numbers of visitors from afar. The Great British Car Journey on the A6 at Ambergate located in former industrial buildings is a good example of a more suitable and sustainable location for a vehicle focussed business such as this. There is the new café and retail facilities being built next door by local business CW Sellors and here is yet another development offering similar facilities although admittedly a completely different visitor experience. It is however, the nature of that visitor experience which is viewed as unsuitable for this area. It is understood that in accordance with planning policy that a development of this nature should be sustainably accessible by a range of public transport modes when it is poorly served by public transport in this location.

As a parish council we have been undertaking Speed Watch activities in the village itself as speeding is a known issue. It is felt that encouraging more visitors and specifically those which come by car or motorbike, which is the whole point of Caffeine & Machine, will only compound this issue. The applicants clearly have to deal with the anti-social behaviour of some of those attending their site at their other venue. They have run a "Don't be a d*ck" campaign and installed cctv cameras along with ANPR on the entrance and exit in order to discourage bad behaviour. Whilst these measures show willing it is of course impossible for the applicants to have any control over motorists or motor bikers once they have actually left the site. It will then be down to the local police to tackle, at a time when resources are considerably stretched with often only one response vehicle on patrol covering a huge area. It feels inevitable that allowing a development of this nature will bring these anti-social elements into this area, particularly in the form of speeding and excessive noise from vehicles, which is totally at odds with the established tourism in the vicinity. This will also impact detrimentally on the amenity of those living close by.

The design of the new buildings together with the creation of hardstanding parking areas are also regarded as incompatible with the setting. It is seen as urbanising what is largely a

green field site with a traditional stone building in the public house itself. The new buildings do not blend in with their rural surroundings. The lighting scheme for the outside areas is undoubtedly far more invasive (in the name of safety) than that already used on site which was virtually non-existent. It appears that little or no consideration has been given for reducing light pollution, supporting the local environment or promoting sustainable development. Whilst images are provided of the proposed new buildings there do not appear to be any images showing the impact of the development visually from vantage points in the proximity, such as from footpaths and in particular, if it will impact on the views from Carsington Water. The Parish Council believe that the design of this development does nothing to promote local distinctiveness nor does it integrate effectively with its setting.

It is understood that the applicants have inherited the existing license which runs from 8am - 11pm and allows for live music both indoors and outdoors. Music played from the wedding venue at Shinningford and the annual outdoor cinema at Carsington is clearly audible from the villages themselves and also those outlying properties sited much closer. These events are rare though. There is extensive documentation attached to Licensing Act Forms outlining the anti-social behaviour suffered by the residents living close to the Applicants other site. It feels inevitable that if this development is approved, as it follows the blueprint of their original venue, that similar problems will be encountered here. Although the applicant's may have expressed their willingness to work with local people to address these issues it will simply be too late. This type of business unfortunately attracts elements who speed and deliberately exit the venue in an anti-social (and sometimes illegal manner). The Applicants only have control when they are on their property. The Knockerdown Inn was previously very much a family centred business with families arriving to camp and then using the facilities for the entire weekend on their doorstep which also saw many tourists walking up and down to the visitor centre. This greatly limited car movements on and off that site. It is anticipated that a similar paid for ticketed car parking system to that used in Warwickshire would be introduced here. This allows for parking in timed allocated slots leaving to many more traffic movements on and off the site. Previously the Knockerdown pub was quiet during the evenings and winter period with a busy holiday and summer season. This allowed some respite for locals however; Caffeine & Machine would appear to offer events throughout the calendar year which again it is anticipated will dramatically increase the overall number of vehicles. The Local Plan states that a development should have a safe access and should not generate traffic of a type or amount which cumulatively would cause severe impacts on the traffic network. The Parish Council believe that this proposal would create exactly that circumstance given its total reliance on motor vehicles and motorbikes and the timings of its car parking slots where all the visitors will exit at once.

Local Plan policy S4 states the permission will be given if the redevelopment of a previously developed site and or conversion of buildings for employment use provided that it is appropriate to its location and does not have an adverse impact on the character and appearance of the rural area. The Parish Council believe that having considered the design of the new buildings, materials used and impact of the hardscaping for car parking that the development will impact negatively. It is simply out of keeping. The Knockerdown Pub as it stands is very much a historic Inn built with local materials and in a style consistent to the area. The proposed development is more in keeping with an urban setting. The Local Plan further states that a new development should represent sustainable growth of tourism in sustainable locations where needs are not met by existing facilities. Again the Parish Council contend that this development is at odds with that policy in that there is already a new facility being built next door offering a café/restaurant and there are existing facilities at Carsington Water which may be negatively impacted by trade going elsewhere.

It is acknowledged that there is a shortage of staff nationally in hospitality. Recent figures from the Office for National Statistics show that the number of job vacancies in accommodation and food services had risen by 50,000 in the 3 months until the end of September 2022 compared with pre pandemic. There are local businesses already reducing

their opening hours due to an inability to recruit staff. The applicants state that 41 part time jobs will be created by their business. This is comparable to the jobs already lost when the new owners took over. If the Knockedown reopened exactly as it was before closure it is reasonable to assume that the same number of jobs would be created as before (40-50 part time jobs). Any new facilities and car parking at this venue is not creating a net gain in employment but it is bringing a theme which is entirely inconsistent with the rural landscape, established rural tourism and has recognised anti-social elements. Sustainability is also an issue as it would be impossible given the local bus times for staff to use public transport to get to this site. The village pub already has staff travelling from as far as Chesterfield. It also appears that the jobs created can be summarised as low wage and low skill.

The Parish Council is struggling to reconcile this proposal with DDDC's commitments to "GO Green". This initiative showcases solutions to climate change and the biodiversity crisis. It encourages residents, businesses and visitors to reduce their carbon footprint. Protecting the Derbyshire Dales character includes to address, mitigate and adapt the effects of climate change on people, wildlife and places. The very nature of Caffeine & Machine's business which encourages and promotes motor vehicles and motorbikes is inconsistent with this aim. The strategic approach of DDDC is to mitigate the effects of climate change without affecting the quality and distinctiveness of the local environment by directing development to sustainable locations and promoting low carbon sustainable development. This is not such a location nor the Parish Council contends is this development doing anything other than increasing carbon emissions and cannot be therefore viewed as sustainable. Finally, as a Parish Council we ask ourselves what does an application such as this bring to the area? Our conclusion for the reasons outlined above is nothing. We also ask ourselves as to what this application will take away? In short, we believe this development if approved will have a serious negative impact upon the rural surroundings, existing tourism, carbon emissions and the amenity of local residents.

Local Highway Authority (Derbyshire County Council):

- 5.2 The proposals include the redevelopment of the existing public house into a bar/restaurant with coffee house, ancillary retail and assembly/leisure. The supporting Transport Statement (TS) demonstrates that trip levels are likely to reduce during the week when compared to the existing authorised uses on the site, with an increase shown at the weekend - equating to an average of between 3 and 10 two-way trips per hour. The TS concludes that the proposed development would have no material residual impact on the safe operation of the highway. The comments are made on the basis of the existing public house and onsite camping and accommodation facilities - I note that the premises are currently closed but assume that all previously consented activities on the land could be brought back into use with no specific approvals required.

It should be understood that, as a generality, the Highway Authority does not "agree" the contents of a Transport Statement or, inevitably concur with every detail therein. However providing it is considered that the conclusion is sound then it is not regarded as reasonable or warranted to require the applicant to devote resources to amending detail which would not vary the conclusion. In this case the Highway Authority does not consider that there is an evidence base to suggest that the conclusion, that the development would not have a significant adverse effect on capacity or safety of the local road network, is incorrect. Certainly, there is no data that would support a reason for refusal of planning permission on the basis that the development would result in 'severe' harm, with reference to Paragraph 109 of the National Planning Policy Framework.

The level of parking proposed is reasonable and with the internal layout and circulation route, it is unlikely that any overspill parking would extend to the B5035. However in view of the nature of the road, and as suggested by the applicant, the submission of a Car Park and Site Management Strategy should be sought - to include potential on-site overspill parking areas.

Site Access

The existing access to the site is wide and accommodates vehicles entering and leaving the public house, as well as an adjacent field gate. Due to the position of the public house building and the narrow fronting highway margin exit visibility onto the B5035 is restricted. The proposals are introducing a second access point and reconfiguring the layout to provide a one-way system through the site. The new access (egress only) demonstrates appropriate levels of visibility based on recorded speeds and is designed to restrict entry - this should be reinforced with signage both at the entry and exits and within the site. It is assumed that access arrangements for the adjacent field will remain as existing.

Transport Sustainability

The location of the site is somewhat remote and visitors are likely to be reliant on the private car. I am aware that the adjacent Jewellery visitor attraction was approved with no highway objections and works have commenced on site, however I would recommend that these proposals are supported by a Travel Plan to encourage alternative means of access to the site. A public footpath crosses the site and provides the opportunity to access an off-road route to Carsington Water. The path would need to be upgraded through the site to encourage its use by pedestrians and this should be highlighted in the proposed Travel Plan.

Accordingly subject to conditions being included on any consent granted, there are no highway objections to the proposals.

Derbyshire Wildlife Trust

- 5.3 We have reviewed the Preliminary Ecological Appraisal (DJOGS Ltd., 2022). We have also visited the site and checked our Biological Records Database for any known features of biodiversity value or significance. We advise that currently sufficient information has not been submitted to enable the LPA to make a robust determination. We have set out our response below.

Reporting

A Preliminary Ecological Appraisal has been submitted to date. Whilst the report is relatively well detailed, there are several areas where further work is advised: The PEA contains recommendations for further survey, which should be completed prior to determination and the report updated to an Ecological Impact Assessment (EclA), which includes details of confirmed biodiversity enhancement measures. Furthermore, no consultation has been undertaken with the Local Biological Records Centre or the Derbyshire Ornithological Society (DOS). We have checked the Records Centre database and do not consider that a consultation would alter the conclusions of the report, however given the proximity to Carsington Water Local Wildlife Site (LWS), we advise that DOS should be consulted for bird records to ensure a robust impact assessment is carried out. The impact assessment should also consider the effect of the venue in operation, as well as during construction. Currently, little detailed consideration has been given to the impacts of noise and lighting on local wildlife and it is not quite clear how impactful the venue is likely to be, if these impacts will vary seasonally etc.

Habitats

The PEA states that the habitats affected by the development include amenity grassland and species-poor grazing pasture. No species lists are provided to support this assessment, however based on our site visit we advise that this appears accurate. More diverse marshy grassland is present in the far east of the site, which will remain unaffected by proposals. We advise that the opportunity should be taken to enhance onsite habitats, as per the Ecological Recommendations Plan (Ref.: 888 ERP 1). The retained grassland to the east of the new car park, which is currently mapped as semi-improved grassland, could be enhanced through appropriate management and potentially additional seeding of

wildflowers. This would help to compensate for the loss of the poor-quality grassland in the west of the site. Currently the eastern part of the site supports willow and silver birch planting and a wildlife pond and we consider that there are opportunities for further biodiversity enhancements, including gap planting of boundary hedgerows and new pond creation. There are currently no plans to remove the mature trees on site and impacts to hedgerows are limited and could be mitigated for. The LPA may wish to request the submission of a biodiversity metric to evidence net gain, however a good quality enhancement plan may be sufficient in this instance given the low value of the habitat impacted.

Protected Species

The PEA concluded that the existing public house has 'low' potential to support roosting bats, however an internal inspection was not undertaken. A minimum of a single nocturnal bat emergence survey and an internal inspection is therefore required, if any works are proposed to the pub building. This survey should follow Good Practice Guidelines (Collins, 2016) and be completed during the optimal period of May to August (Inclusive). Any requirement for works to trees with bat roost potential should also be confirmed so that these could be included within the survey work. We are aware of proposals to construct a bat hibernaculum in the adjacent field to the north (close to the boundary) as part of a separate planning application (14/00796/FUL). No evidence of this structure could be seen over the boundary during our site visit and it does not appear that this has yet been constructed. We advise that the applicant / ecologist should investigate the adjacent proposals and any likely impacts to this feature should be assessed. The wildlife pond has been ruled out as suitable for GCN in the PEA due to its size. After visiting the site, we ran the pond through the Habitat Suitability Index (Oldham et al., 2000) and it achieved a score of 0.52 (below average suitability). This low score is largely influenced by its small size and the lack of other ponds within 1km, not separated by roads. Furthermore, the Record Centre does not hold and records of GCN within 500 m of the site. The pond will be retained, along with supporting terrestrial habitat, however the sheds, brush piles, former cultivation plots and compost bins immediately adjacent will be cleared. The PEA recommends Reasonable Avoidance Measures in relation to GCN, common amphibians and reptiles, which we support. These could be secure via a condition. We would caution the applicant that if GCN were found during supervised site clearance, there is risk of delays to the works. To reduce this level of risk, an eDNA sample could be taken from the pond for analysis between 15th April and 30th June in any year to provide further confidence that GCN are not present. Opportunities exist to enhance the retained habitat for amphibians and reptiles. Current lighting proposals include both up / down lighting fixtures, up-lighting of car park trees and the introduction of lighting closer to the wildlife pond and habitats in the east of the site. We advise that these types of lighting fixture are not appropriate in a sensitive location likely to be used by bats and other nocturnal wildlife, as well as birds associated with Carsington Water. Lighting proposals should be revised. The Trust have concerns over the impacts of proposals to breeding and wintering birds using Carsington Reservoir and the surrounding habitats, including noise and light. These impacts do not appear to have been assessed in any detail.

Rights of Way Officer (Derbyshire County Council):

- 5.4 I can confirm that Public Footpath Carsington No 8 runs through the proposed development site and continues on to Hognaston Footpath No 40 adjacent to the site as shown on the attached plan. The Rights of Way Section has no objection to the proposals as it appears that the route will be ultimately unaffected by the proposed works. I should be grateful however if you would advise the applicant as follows: -
- The footpath must remain open, unobstructed and on its legal alignment as shown on the attached plan, this may differ from the path currently in use.
 - There should be no disturbance to the path surface without prior authorisation from the Rights of Way Section.
 - Consideration should be given to the safety of members of the public using the path during the works. A temporary closure of paths will be permitted on application to DCC where the path(s) remain unaffected on completion of the development.

- There should be no encroachment of the path, and no fencing should be installed without consulting the Rights of Way Section.
- The path width needs to be maintained at 2 metres. Any fencing needs to be installed outside of 1 metre from the precise centre of the legal line of the path.
- On aerial photography it appears that the used path is slightly different. Any established used path may likely have acquired rights and will also need to be protected.
- Finally, I would request that consideration is given to funding being provided to improve the paths linking to and surrounding the development which will receive increased use on completion of the development.

Lead Local Flood Authority (Derbyshire County Council)

5.5 No objections subject to conditions.

Derbyshire Constabulary

5.6 Thank you for referring this application for our attention. There are no objections to the development of this public house as proposed.

Peak and Northern Footpath Society

5.7 No objection provided that the full width of the legal route of Carsington FP8 remains open and unobstructed at all times. The development would lead to a greater use of this path, and its continuation Hognaston FP7, so the developer should improve this path so that it is suitable for use by walkers in ordinary clothes and shoes.

Derbyshire Dales Ramblers

5.8 Ramblers Derbyshire Dales Group has no objection providing that:

- i) Carsington FP 8 and Hognaston FP 40 remain unaffected at all times, including the path surface, both during and after any development
- ii) Any proposed works should not create ambiguity for navigation nor discourage use of the row by users
- iii) Consideration should be given to the safety of members of the public using the paths during the proposed works
- iv) any encroachment of the paths would need consultation with the DCC Rights of Way Team

6.0 REPRESENTATIONS RECEIVED

6.1 A total of 135 representations have been received. 130 in objection (of which 13 are non-attributable) and 4 in support (of which 1 is non-attributable). Comments have also been received from Brassington Parish Council, Kniveton Parish Council, Bradbourne Parish Council, Hognaston Parish Council, Middleton Parish Council, Biggin Parish Council and Derbyshire Dales Climate Hub. A summary of the representations is outlined below:

Objections

- Until the retirement of the previous owners the Inn was thriving.
- The change of use will completely change the character of the Knockerdown.
- The proposal would result in significant increases in road traffic.
- The proposal is against the aims of the Peak District to reduce car travel.
- There are existing issues with motorbikes racing along the Carsington Dam.
- There is an existing restaurant and retail units at Carsington Water.
- Other pubs in the vicinity have been renovated sympathetically.
- The development is not commensurate with the rural nature of this area.
- Ramblers, horse riders and cyclists who use surrounding roads would be put at risk.
- An additional access onto the highway would be dangerous.

- The development cannot be considered sustainable.
- The development will increase traffic and litter through Hognaston.
- There are existing speeding issues along Dam Road.
- The development will result in a significant increase in noise due to the type of vehicles attracted to the development.
- Whilst not designated the landscape is undoubtedly of outstanding natural beauty.
- The development would result in harm to wildlife.
- Local farmers are being priced out of buying the land due to speculative land values.
- The nature of the development could be successful anywhere, it does not need to be located in the countryside.
- Hognaston is in need of traffic calming measures.
- Dam Road needs a lower speed restriction.
- The development would result in increased light pollution in the area.
- There is no shortage of jobs in the area. Any jobs created would be taken by residents in Ashbourne and Wirksworth which would require a car to access.
- Concerns relating to other nearby village pubs which would be impacted by an overdeveloped Knockerdown.
- Request conditions to restrict speeds along sections of the B5035.
- Concerns regarding where vehicles will park/wait whilst waiting for bookings at the site.
- There were issues in attracting staff to the Knockerdown previously.
- Concerns regarding noise from late night events.
- The company will have no control over the noise from vehicles after they leave the site.
- The development requires a booking which will prevent holiday makers walking to the local pub.
- The development does not accord with the District Councils objective of Net Zero.
- The submitted wildlife survey are no sufficient.
- The development will result in an increase in vehicle emissions in the area.
- Encouraging driving for fun is wrong in the midst of a climate crisis.
- The development has no historic, cultural or environmental connection with the local area.
- The development is inappropriate for a rural area and is contrary to policy S4 of the Local Plan and Section 84 of the NPPF.
- The assessment of highways is based on 3-10 double car journeys per hour. The company's existing site attracts over 1000 visitors some days.
- There is very limited public transport to the area which will see a large increase in visitors due to the development and the neighbouring Sellors development.
- The development would set a precedent for future development in the rural area.
- People arriving on foot to the site will be turned away.
- Farmers are finding it difficult to move animals across the B5035 due to the increase in visitors to the area.
- There are no renewable energy proposals as part of the development.
- I would consider taking legal action against the planning authority if this application is approved.
- Previous applications for accommodation have been rejected in the past due to sustainability issues.

Non-attributable objections:

- Concerns regarding road safety
- Concerns regarding increased noise
- Concerns regarding impact on local wildlife
- Concerns regarding light pollution
- Concerns regarding air pollution.
- The development would harm character and appearance of the area.
- The development would cause nuisance to local farmers.

- The design of the building is obtrusive.
- The development would create a nuisance to Carsington Reservoir visitors

Support

- We are located opposite the site, the proposals will complement our holiday cottage and venue business.
- The ticketed events hosted by the company are excellent, well organised and safe.
- We welcome the proposals to enhance and invest in the local area.
- The events would end at 10:00pm which is acceptable.
- Hopefully this will slow down the speeding motorbikes.
- The development will boost tourism.
- In combination with Sellors Jewellers, the development will create jobs for the area.

Non attributable support

- The staff actively discourage anti-social behaviour.
- The proposed site would add to the area added business to local companies and community engagement projects

Brassington Parish Council

Brassington Parish Council were not sent a consultation letter regarding the 'Caffeine and Machine' proposition at the Knockerdown site, but as a nearby village which will be affected by the project, the Council wish to make the following observations.

- The proposed site covers an area which is too large to be absorbed into what is actually a Nature Reserve and, at present, a recreational area enjoyed by very many people.
- The increase in traffic and access onto what is a busy road with fast moving vehicles is dangerous, particularly as the turn into Brassington is almost immediately opposite.
- Surrounding villages will obviously see an increase in high performance cars and bikes using roads which are unsuitable, resulting in speed noise and increased emissions.
- Many concerns, including those mentioned, have been expressed by Brassington villagers.

The overall opinion was that the proposed development is in an unsuitable place and could possibly set a precedent for future enterprises

Kniveton Parish Council:

Kniveton Parish Council were not sent a consultation letter regarding the above planning application, but as a nearby village situated on a direct route to the location, the Council wish to make the following observations and objections.

- Kniveton Parish Council and the village residents are very concerned about the noise and safety implications of large numbers of high-performance vehicles passing through the village, which already has a large volume of traffic passing through. If this development takes place, the problems caused by these vehicles, both during the week and at weekends, will greatly increase.
- There are serious concerns about safety for walkers, horse riders and cyclists. While traffic may be monitored while at the events, there will be no control over vehicles once they leave the site.
- High performance cars and motorcycles driving on country roads which are unfamiliar to them will present added danger and disturbance to those who have chosen to live in what should be peaceful, rural villages.
- The size of the proposal is entirely overwhelming and cannot be absorbed into what is actually a nature reserve and a recreational area enjoyed by very many people including families with young children.
- In a time when Climate Change is a major issue, should extra carbon emissions be acceptable? This location is not near to a main A road or motorway, which will involve unnecessary extra travel for vehicles.

- The comments made are based on viewing of the Ettington site as well as considerable review of what is proposed.

Local people are extremely concerned that the site is too large and in an unsuitable location. It could also set a precedent for future enterprises

Bradbourne Town Council:

While this planning application site is not within Bradbourne and Ballidon Parish Council boundaries, some residents have raised concerns about its potential impact. The Parish Council would like to highlight the following specific issues raised:

Traffic and road safety: Increase in traffic through Bradbourne on Brackendale Lane and Mill Lane (between the B5053 and B5056). Brackendale Lane is narrow, twisty and undulating, with several blind bends, therefore, there is a high risk of collisions particularly for traffic unfamiliar with the road. Brackendale Lane and Mill Lane are part of the National Cycle Network (Route 54) and therefore popular with both cyclists and walkers. In addition, there is a livery stable on Brackendale Lane and the road is used daily by horse riders. These more vulnerable road users could be at greater risk from an increase in the volume and speed of traffic using the roads through Bradbourne. There could be a higher risk of collisions at the high-risk intersection of Brackendale Lane, Hognaston village, Carsington bypass and Knockerdown (B5035).

Noise and pollution: The types of cars and motorbikes going to and from Caffeine and Machine are likely to be louder and more polluting than average traffic currently using the local roads.

Hognaston Parish Council:

Although the application site does not lie within the Hognaston parish boundary, councillors and parishioners believe that the plans will have a detrimental impact on residents, our communities and the wider countryside setting that we live in.

Having carefully listened to and considered the views of residents, Hognaston Parish Council objects to the application for the following reasons:

Speeding and Highways Concerns

- The proposed development will significantly increase the number of visitors and vehicles into the area. With plans for 150 parking spaces, there will be a substantial increase in traffic volumes and risks to road safety.
- Speeding along the Dam Road, the B5035, through Hognaston and all nearby villages, is an existing and serious problem. The type of venue proposed will attract car and motorbike enthusiasts and only intensify the hazards local people and pedestrians already face from speeding vehicles.
- We are concerned for pedestrian safety along the B5035 where numerous crossings are used by walkers and cyclist. There have been endless reports of near misses at these crossings and more traffic will only increase the risks to walkers and cyclists.
- Over the years, there have been a number of highways-related fatalities on the B5035 and nearby roads. Rising numbers of speeding cars and motorbikes will only increase the dangers on our local roads.
- The fact that some footpaths in the parish are only accessible and connect by walking along roads is a further concern if traffic volumes go up.

Urbanisation and commercialisation of the local area

- Hognaston Parish Council and people living in the local area are extremely concerned about the creeping urbanisation and development of the open countryside around Hognaston and Carsington. This development will only exacerbate this.
- The proposed development would see further commercial pressure on an area of natural beauty and the countryside. With limited services and facilities, any increase in visitors and traffic will have a profound and detrimental impact on local infrastructure and the highway network.
- Overdevelopment is resulting in the area losing its identity as a tranquil, rural setting and place to live.
- Residents are concerned that the proposed venue will result in increased noise from evening and night-time events and entertainment. Furthermore, there will be an increase in light pollution in the open countryside. Residents already living in nearby villages should not be subjected to this.
- If permission were to be granted, an application of this type, size and scale will only set a precedent for future commercial development in the area. We believe that Carsington Reservoir already provides ample car parking, eateries, leisure facilities and conference rooms. There is no demand for more in the area.

The design and appearance of the proposed development

- The design of the proposed new builds is not aesthetically pleasing nor is it in-keeping with a countryside setting.
- The appearance and scale of the proposed development does not compliment the wider Derbyshire Dales landscape.
- The Parish Council is concerned that the development could be extended further, should permission be granted. We believe that this could be the 'thin end of the wedge'.
- There will be a loss of soak-away ground if it is replaced with a hardstanding surface. This could lead to localised flooding on nearby roads, as well as agricultural and camping fields.

Middleton Parish Council:

This application (DDDC 22/01011) was discussed at a meeting of the Parish Council held on 14th November 2022 where it was resolved to object to the proposal on the grounds that it: will increase traffic and noise both in the locality of the venue and on the roads serving it, is felt there are safety issues regarding access and egress from the site is not in keeping with the surroundings, and in particular with the quiet enjoyment offered by the nearby Carsington Water and its environs.

Biggin Parish Council:

I am writing to yourself and the planning department regarding the above planning application to voice our strong objection.

As Chair of Biggin Parish Meeting, representing residents across the Biggin parish I also write to show our full support to Carsington and Hopton Parish council and all the other parish councils and meetings and their residents from villages around that this application will affect.

In addition to the noise, light, increased traffic, dangerous new entrance, effect on wildlife, the effect on local businesses and residents, the absolutely detrimental effect this business would have on the character of the rural countryside is unthinkable.

It is of great concern what is happening to the rural countryside in the Derbyshire dales, increased development particularly in Hulland ward and Brailsford. Historic Georgian buildings being allowed to be demolished in rural hamlets by developers and replaced with industrial out of character properties, developments resembling light boxes from over scaled glass developments being granted permission. Developments that become eye sores for local residents who live in the area and have a massive impact on their lives and too often these properties become holiday homes or rental properties.

We question the planning departments policies and decisions and the planning committee also. Councils and residents feel it is “pointless participation “and “there is no democracy “that we are not listened to and we live in these areas, many farmers and residents of farming families just trying to live a rural life of farming but desperately saddened and worried seeing the increased development and infiltration of urbanisation, it feels that developers have finally found our most beautiful secret and are bent on destroying it for their own financial gain.

There will be a day where it will be realised it was a mistake to have developed the countryside in this way, already some development in the area if only the planning department had worked with local councils on design and materials these developments could be far less offensive and intrusive .

Communities need the planning department to protect our rural countryside.

We also strongly question the Highways department’s decisions on planning applications, as they seem to pass anything. At a recent committee meeting it was clear even the committee were disgraced with highway’s approval of a most dangerous entrance to a new housing development from an existing development in Hulland ward.

The committee were further disgraced and questioned why the planning department had not overruled the highways departments’ decision as the planning department have the power to do so.

It appears that Derbyshire dales planning departments’ local plan can be overruled, it stands for nothing, and further development is to continue in certain areas of the Derbyshire dales, even if local targets have been met.

The countryside has become a desirable place to live and visit, escalated further by the Covid Pandemic and the continued support the building industry has had it is now resulting in mass urbanisation/industrialisation.

When will it stop!

As a knock on effect further increased traffic resulting in increased littering, crime, air pollution and accidents. Roads are becoming unsafe for cyclists and horse riders.

The business behind this planning application would further more increase air pollution. We have a world climate crisis and are aiming to be fossil free to help the planet yet here we have a business encouraging the exact opposite thing we are trying to reduce and remove.

Derbyshire Dales Climate Hub:

Derbyshire Dales Climate Hub, a local campaign group for residents of Derbyshire Dales who are passionate about the fight against climate change, wishes to register its objection to the above application.

- First and foremost, we do not believe that such a development is compatible with the District Council's own plans to address climate change. In 2019 Derbyshire Dales District Council declared a Climate Emergency and committed to making its operations 'net zero' carbon by 2030.
- While successful funding bids are enabling Council buildings and vehicle fleets to become more climate friendly and the Council continues to promote carbon reduction measures to enable the local population to limit its own emissions, perhaps it would not sit well to be seen to enable developments such as this.
- With regard to the statement above, the Clearlead consultation which was commissioned to help the Council understand how to reduce its own emissions, contains a section on p.33 which talks about community leadership: 'The Council could consider using its influence to facilitate emissions reductions across the District. Three key emissions areas are domestic emissions and housing, transport, and commerce and industry.' Allowing the Knockerdown development would seem to be at odds with such leadership objectives.
- We understand that developing the tourist sector is important for the District. The DDDC post-covid Economic Recovery Plan cites 'clean growth' fitting with the Council's Climate Change agenda, but perhaps visitors in fast cars might not match this 'clean growth' criteria.
- The development is designed to invite a very large number of vehicles, performance vehicles and motorbikes in particular, into a calm, quiet and truly beautiful area of our County, which is noted and loved for its fauna and flora. Carsington Water already attracts plenty of visitors as it is and we believe that an increase in visitor numbers to the area, namely visitors in noisy vehicles, would not be in keeping with the objectives of Carsington Water. As we understand it, Carsington Water aims to attract lovers of the countryside and wildlife, especially birdwatchers.
- Vehicles create danger to pedestrians, cyclists, horse riders and the natural world. The roads around the site are completely unsuitable for fast cars and motorbikes. We suggest it might be difficult to manage and would therefore subsequently put extra strain on local (traffic) police, particularly at weekends.
- Vehicles add to air pollution and vehicles create noise pollution.
- The 'display' area of the proposed development would presumably be for display of high performance vehicles, in addition to any vehicles which would be parked on the car park. This is all about cars and motorbikes. The area is simply not suitable.
- We note that the design is providing only 6 charging points for electric vehicles. Bearing in mind the planet is facing a climate and ecological emergency, we would have expected developers to understand that, with our Government's plans to phase out fossil fuel cars by 2030, a greater number of charging points may be necessary. However, the mere idea that a development might be set up specifically to attract drivers and their vehicles at this stage of the game in 2022, as the planet moves ever closer to those crucial tipping points, is quite bizarre to those of us in the climate movement.
- In a similar vein, we have checked the designs and notice there is no plan to put solar panels on the (metal) roof nor a plan to build in a heat pump to limit carbon emissions.
- The idea of a Travel Plan, as suggested by DCC Highways in their comment, may not be welcome or understood by a company whose sole purpose would be to promote vehicular use by individuals.
- We have been very supportive of efforts made by DDDC in recent years with regard to climate issues. The Council has been pro-active and we therefore find it hard to see how this development ties in with the Council's aims and objectives regarding sustainable development.
- We support all the comments made by Carsington and Hopton Parish Council and the fear expressed by residents that this application does not fit the location. In addition we understand that Caffeine and Machine is a members-only club meaning the facility may not be available to locals, although that is unclear.

Finally, to quote Antonio Guterres, UN General Secretary, during a speech at Cop 27 on 7 November '22, "Greenhouse gas emissions keep growing, global temperatures keep rising and our planet is fast approaching tipping points that will make climate chaos irreversible." Let's do what we can in this corner of Derbyshire to limit carbon emissions and help fight this fight for future generations.

7.0 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) and supplementary planning documents cited in the policy section of this report. The National Planning Policy Framework (2021) and guidance are also a material considerations in respect of this application.

7.2 Having regard to the above and consultation responses and representations received, the main issues to assess are:

- The principle of the development
- Sustainability of location
- Impact on character and appearance of this part of the countryside and the local landscape
- Impact on residential amenity
- Impact on highway safety
- Impact on biodiversity

Principle of the Development

7.3 The application site is located outside of any settlement boundary defined by policy S2 (Settlement Hierarchy) and as a result, the principle of development should be assessed against policy S4 (Development in the Countryside) of the Adopted Derbyshire Dales Local Plan (2017).

7.4 Policy S4 outlines a number of types of development which would be acceptable in countryside location. Of most relevance to this particular case, policy S4 states that planning permission will be granted for development where:

- a) It comprises the redevelopment of a previously developed site and/or conversion or extension of existing buildings for employment use provided it is appropriate to its location and does not have an adverse impact on the character and appearance of the rural area.
- b) It represents the sustainable growth of tourism or other rural based enterprises in sustainable locations where identified needs are not met by existing facilities
- k) It preserves and/or enhances the character, appearance and local distinctiveness of the landscape and landscape setting of the Peak District National Park;
- m) It does not lead to excessive encroachment or expansion of development away from the original buildings.

7.5 The development proposal would involve the redevelopment and intensification of the existing site for a mixed use development comprising a range of employment uses. Policy EC1 (New and Existing Employment Development) states that "The District Council will support proposals for new or expansion of existing business or industrial development in sustainable locations. Consideration therefore needs to be given to the appropriateness of the development in location terms.

- 7.6 Although the development involves the change of use of the Public House, the supporting documentation indicates the public house offer to the community would remain. With the other additional facilities to be provided it is not considered that the development would be in conflict with Policy HC15.

Sustainability of location

- 7.7 Policies in the development plan seek to provide new and intensification of existing employment land in locations that contribute to the achievement of sustainable development. The objective of the policies, as set out in Policy S1 'sustainable development principles' is to provide a range of economic developments that provide employment opportunities suitable for local people in environmentally, socially and economically sustainable locations to reduce the need to travel. Whilst it is acknowledged that the nature of the mixed use is for car enthusiast, there does not appear to be any suitable alternative to the private motor vehicle for visitors to the site in this case, including those employed, making use of the conferencing facility and those not wishing to showcase vehicles, having regard to the scale and nature of the mixed use proposed. There is an extremely limited bus service which serves the nearby Carsington Water Visitor Centre which is approximately a 15 minute walk from the application site.
- 7.8 An inspector addressed the sustainability of a similar nearby location, albeit to the western side of the Carsington Water Visitor Centre in a recent appeal decision (APP/PI045/VV/22/3298107). Whilst the appeal application related to the provision of holiday accommodation, the assessment of the sustainability of the location is considered to remain relevant. The inspector stated that:

"I find that the services provided at the visitor centre would not be sufficient to meet the likely needs of future guests including access to evening hospitality or a food shop to support home cooking. As such, and given there is only one attraction nearby, guests would regularly need to travel further afield to reach services, facilities, and attractions. Given the distance involved, and that the roads are fast, unlit and without pavements, it would not be realistic for future occupiers to walk or cycle to more distant settlements for the purposes of buying food, eating out or other tourist attractions".

"Although the appellant has brought my attention to a bus route which passes near the site, it is not clear where the closest bus stop is. Moreover, the number of bus journeys are limited, restricting the options for future guests. This is especially so on weekends, which I find to likely be a popular time for guests, as the submissions do not refer to any weekend buses. Future guests would therefore primarily be reliant on private motor vehicles".

- 7.9 The remote location of the site and lack of infrastructure for employees and visitors to be able to access it by foot, cycle or public transport is such that the proposed change and intensification of use would constitute an environmentally unsustainable form of development in the countryside that would be contrary to Policies S1, S4 and EC1 of the Adopted Derbyshire Dales Local Plan (2017) and guidance contained within the National Planning Policy Framework (2021).
- 7.10 With regard to part k) and m) of policy S4, these relate primarily to the impact of the development on the character and appearance of the site and its setting. This will be assessed in greater detail below.

Impact on character and appearance of this part of the countryside and the local landscape

- 7.11 A key consideration in respect of this application is the impact of the development on the local landscape and character of this part of the countryside. Policy S1 (Sustainable Development Principles) of the Adopted Derbyshire Dales Local Plan (2017) advises that

development will conserve and where possible enhance the natural and historic environment, including settlements within the plan area. Policy PD1 (Design and Place Making) requires all development to be of high quality design that respects the character, identity and context of the Derbyshire Dale's townscapes and landscapes. Policy PD5 (Landscape Character) deals specifically with landscape character and advises that 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.

- 7.12 As set out above, the site is located outside of a defined settlement boundary, in an area of open countryside. Whilst there is an existing building on site which would be utilised as part of the new development, the proposals include a range of other developments including the construction of a new coffee shop/retail unit, landscaping works and the formation of a large car park with vehicles display areas.
- 7.13 The submitted Landscape Appraisal concludes that "subject to additional scoping of visual impact, construction management and drainage and exterior lighting design detail" the development will have a "negligible adverse and beneficial impact on the landscape services and visual amenity of the area".
- 7.14 Officers do not agree with this conclusion and consider that nature and amount of additional development on site would have a more significant, encroaching and urbanising impact on the existing rural character of the surrounding area. The development involves the construction of an additional building, which is of contemporary design and appearance that differs from the more traditional appearance of the existing public house and significant landscaping to the east of the existing building. Whilst the submitted appraisal considers that the existing permitted use as a caravan site would have some harmful impact on the landscape it is considered that the erection of a permanent structure of the scale proposed would have a much more significant impact than the temporary, seasonal siting of caravans throughout the year
- 7.15 There are also significant concerns with the siting and amount of hard surfacing proposed. The surrounding area is rural in character due to the grassland which surrounds the existing public house. The introduction of the extensive crushed gravel to the "main car park" and new asphalt to the staff car park and display areas is considered to result in a significant urbanising effect that would be incongruous in this context.
- 7.16 There are immediate views of the site from the public highways and public right of way throughout the site along with more medium and long distance views which are identified within the submitted landscape appraisal.
- 7.17 Overall it is considered that the proposed development would have a harmful impact on the character and appearance of this part of the countryside and local landscape, contrary to policies S1, S4, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

Impact on highway safety:

- 7.18 A large number of concerns have been raised by Local Residents with regard to the impact of the development on highway safety. The concerns relate to both the introduction of a new access point off the B5035 and due to the increase in number and type of vehicle traffic which will be attracted to the area due to the nature of the proposed development.
- 7.19 Policy S4 (Development in the Countryside) requires states that planning permission will be granted for development where "it will have a safe access and will not generate traffic of a type or amount which cumulatively would cause severe impacts on the transport network, or require improvements or alterations to rural roads which could be detrimental to their

character". Policy HC19 (Accessibility and Transport) further seeks to ensure that "development can be safely accessed in a sustainable manner".

- 7.20 The application has been submitted alongside a transport statement (DTA, 2022). Comments have been received from the Local Highway Authority having regard to the submitted plans and transport survey. Within the consultation response received it is advised that "as a generality, the Highway Authority does not "agree" the contents of a Transport Statement or, inevitably concur with every detail therein". However it is concluded that the development, subject to conditions, would not have a significant adverse impact on capacity or safety of the local road network. Similarly, it is advised that the level of car parking available on site would be sufficient for the proposed level of development being sought.
- 7.21 Whilst the concerns of local residents are acknowledged, the Local Highway Authority do not deem the impact of development to be significant on the safety of highway users and the wider road network such that a recommendation of refusal on highway grounds could be sustained at appeal. As a result, the development is considered to be in accordance with policy S4, HC19 and HC21 of the Adopted Derbyshire Dales Local Plan (2017).

Impact on residential amenity:

- 7.22 Policy PD1 (Design and Place Making) of the Adopted Derbyshire Dales Local Plan (2017) requires development proposals to achieve a satisfactory relationship with adjacent development and 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.
- 7.23 Due to the isolated location of the site, there is not considered to be any overlooking or overshadowing caused by the new structure to be erected on site. The main concerns raised by Local Residents relate to noise and light pollution from the development.
- 7.24 The proposed external lighting is set out within section 4.4 of the submitted design and access statement which outlines that the lighting scheme seeks to minimise direct upward light in an attempt to reduce light pollution from the site. The lighting proposed is largely low level bollards within the car parking area with additional lighting of pedestrian steps and low level lighting within the landscape. If this was deemed to be excessive, the District Council could include conditions limiting the time or luminance of the lighting proposed to mitigate any significant light pollution created.
- 7.25 With regard to noise pollution, significant concerns have been raised due to the nature of the business encouraging various types of cars for display and the potential for associated noise from such vehicles, there are also concerns regarding the events/functions carried out on site and associated noise/music. Planning conditions could again be attached if noise from events were a concern in later hours, there are also environmental health regulations which need to be complied with. With regard to the noise from vehicles on site, it is considered that in this case, planning permission is sought largely for the change of use of a public house and associated land to a mixed use comprising coffee house, bar & restaurant, place of assembly & leisure and the erection of a retail and coffee shop, all with additional associated car parking. There is no reference within this description to the specific business type which is proposed at this moment in time. The District Council cannot control the vehicles which currently attend the site and similarly it would not be possible to have such control following any change of use of the application. The District Council cannot assume that vehicles would be leaving the site in a loud and unsafe manner as has been suggested in the representation received and if this were the case, it would be a matter for the police and/or Environmental Health with regard to any noise nuisance arising.

7.26 Overall, the application for the change of use of the pub, erection of a new retail and coffee unit and associated development are considered to retain a satisfactory relationship with surrounding developments and residential properties or could be controlled via condition to achieve such a relationship. The development is therefore considered to remain in accordance with policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

Impact on biodiversity:

7.27 Concerns have been raised by local residents with regard to the impact of the proposed development on the habitat of local wildlife on site. The development area does not form part of any internationally or nationally designated site.

7.28 Policy PD3 (Biodiversity and the Natural Environment) seeks to protect, manage and where possible enhance biodiversity by ensuring that development will not result in harm. Development will not be permitted which directly or indirectly results in significant harm to biodiversity interest unless it can be demonstrated that there is no appropriate alternative site available, statutory and regulatory requirements have been satisfied and appropriate conservation and mitigation measures are provided.

7.29 The applicants have provided a Preliminary Ecological Appraisal (DJOGS Ltd, 2022) which has been considered in the formal consultation response from Derbyshire Wildlife Trust. It is acknowledged that the report is well detailed however, the assessment states that further information is required in a number of areas.

7.30 Firstly, the preliminary ecological assessment states that further surveys are required and that the report be updated to an Ecological Impact Assessment which includes biodiversity enhancement measures. The assessment also concludes that the existing public house has a 'low' potential to support roosting bats however no internal inspection has been undertaken. The response received from Derbyshire Wildlife Trust sets out that a minimum of a bat emergence survey and an internal inspection should be carried out prior to any works to this building. There are also concerns with regard to the level of noise generated on site and the impact of the proposed external lighting on nearby bat and bird populations.

7.31 Based on the above, insufficient information has been submitted in order for the Local Planning Authority to be satisfied that the development would not result in any adverse impacts on protected species and biodiversity. As submitted, it is therefore considered that the development would not comply with policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

Conclusion:

7.32 Whilst there is support contained within Adopted Derbyshire Dales Local Plan (2017) policies and national planning policy for the intensification and more efficient use of existing sites in appropriate locations, the remote countryside location of the site and lack of infrastructure for employees and visitors to be able to access it by foot, cycle or public transport is such that the proposed change and intensification of use would constitute an environmentally unsustainable form of development in this case. Furthermore the siting, scale and nature of the new building and hardstanding areas would have a significant urbanising effect that would fail to respect the character, identity and context of this part of the countryside and local landscape contrary to the requirements of Policies S1, S4, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017). It is recommended that the application be refused for these reasons and the lack of information in relation to the implications of the development on protected species and biodiversity.

8.0 RECOMMENDATION

That planning permission be refused for the following reasons:

1. The remote location of the site and lack of infrastructure for employees and visitors to be able to access it by foot, cycle or public transport is such that the proposed change and intensification of use would constitute an environmentally unsustainable form of development in the countryside that would be contrary to Policies S1, S4 and EC1 of the Adopted Derbyshire Dales Local Plan (2017) and guidance contained within the National Planning Policy Framework (2021).
2. The siting, scale and nature of the new building and hardstanding areas would have a significant urbanising effect that would fail to respect the character, identity and context of this part of the countryside and local landscape contrary to the requirements of Policies S1, S4, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).
3. Insufficient information has been submitted in order for the Local Planning Authority to be satisfied that the development would not result in any adverse impacts on protected species and biodiversity. As submitted, it is therefore considered that the development would not comply with policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

9.0 NOTES TO APPLICANT:

The Local Planning Authority considered the merits of the submitted application and judged that there was no prospect of resolving the fundamental planning problems with it through 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 at the earliest opportunity and thereby allowing the applicant to exercise their right to appeal.

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

This decision notice relates to the following documents received by the Local Planning Authority on 31/08/2022:

Covering Letter

Site Location Plan

Block Plan

Existing Site Layout Plan

Proposed Site Layout Plan

Proposed Site Plan and External Lighting

Proposed Site Plan and Landscaping

Proposed Site Plan and Proposed Levels

Proposed Full Site Plan

Existing Site Elevations

Proposed Site Elevations

Existing Floor Plan

Proposed Floor Plan

Roof Plan as Existing

Roof Plan as Proposed

Existing Site Sections

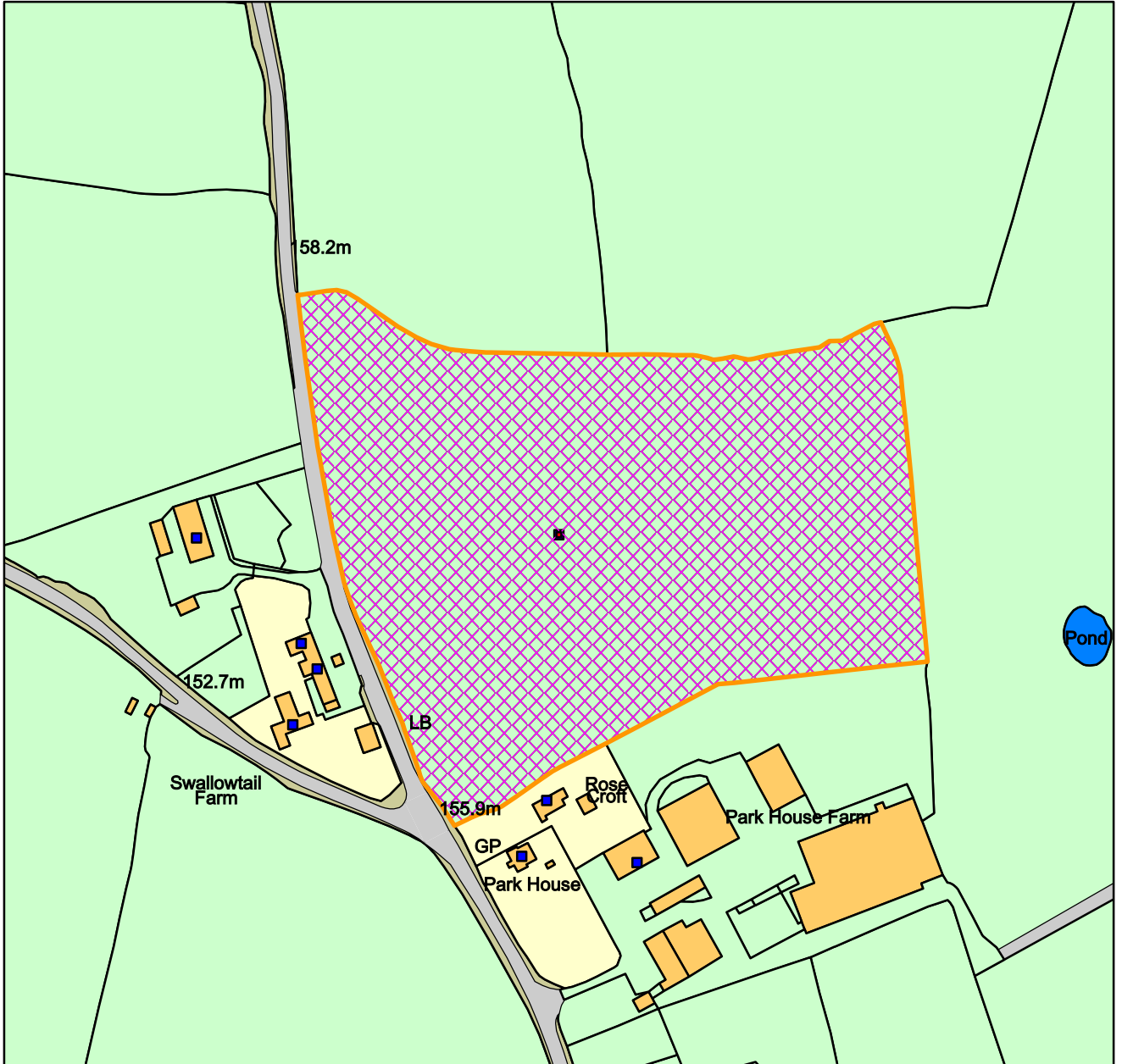
Proposed Site Sections

Proposed Site Render Visuals

Proposed Site Render Visuals – Night
Arboricultural Impact Assessment
Drainage Strategy and Flood Risk Assessment
Economic Benefits Assessment
Landscape Appraisal
Planning and Sustainability Statement
Transport Plan
Design and Access Statement
Archaeological Assessment
Ecological Survey

22/00378/FUL

Land North of Parkhouse Farm, Yeaveley



Derbyshire Dales DC

1:2,500

Date: 29/11/2022

100019785

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Derbyshire Dales District Council,
Town Hall, Bank Road, Matlock, Derbyshire DE4 3NN.
Telephone: (01629) 761100.
website :www.derbyshiredales.gov.uk

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APPLICATION NUMBER		22/00378/FUL	
SITE ADDRESS:		Land North Of Park House Farm, Wyaston Road, Yeaveley, Derbyshire	
DESCRIPTION OF DEVELOPMENT		Change of use of land for private equestrian use, erection of stable block, formation of manege and relocation of access with associated parking area	
CASE OFFICER	Mr J Baldwin	APPLICANT	Mr Herring
PARISH/TOWN	Yeaveley	AGENT	Mr S Clark
WARD MEMBER(S)	Cllr T Morley	DETERMINATION TARGET	11.07.2022
REASON FOR DETERMINATION BY COMMITTEE	Major application and due to number of unresolved objections received	REASON FOR SITE VISIT (IF APPLICABLE)	For members to consider the impact of the development on the environment

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> - The principle of the development - Impact on the character and appearance of this part of the countryside and the local landscape - Impact on residential amenity - Highway safety - Impact on trees and biodiversity

RECOMMENDATION
That planning permission be granted with conditions

1.0 THE SITE AND SURROUNDINGS

1.1 The site is located off the western side of Wyaston Road, to the north of Yeeveley. The site is an agricultural field, accessed via an existing field gate in the south western corner opposite the Wyaston Road and Hales Green road junction. There are neighbouring residential properties to the south and west. The site is otherwise surrounded by open countryside. The existing boundaries of the site comprise tree and hedgerow planting.



2.0 DETAILS OF THE APPLICATION

- 2.1 Planning permission is sought for the change of use of an existing field in agricultural use to equestrian use, the erection of stable block, the formation of a manege and the relocation of the existing access onto Wyaston Road as set out on the submitted plans received by the Local Planning Authority on 11th April 2022.
- 2.2 The proposed stable building and manege would be positioned toward the northern boundary of the site. The proposed stable block would be 22m (width) x 7.7m (depth) x 5m (height) and would be timber clad with clay roof tiles above. The proposed manege would be located to the east of the stable building and would be 40m (length) x 20m (width).
- 2.3 The new access proposed as part of this application would be sited further north along Wyaston Road, providing access to two new “informal” car parking spaces. The existing access would be blocked up.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2017):
 - S1: Sustainable Development Principles
 - S2: Settlement Hierarchy
 - S4: Development in the Countryside
 - PD1: Design and Place Making
 - PD3: Biodiversity and the Natural Environment
 - PD4: Green Infrastructure
 - PD5: Landscape Character
 - PD6: Trees, Hedgerows and Woodlands
 - PD7: Climate Change
 - PD8: Flood Risk Management and Water Quality
 - PD9: Pollution Control and Unstable Land
 - HC19: Accessibility and Transport
 - HC21: Car Parking Standards

2. National Planning Policy Framework (2021)
National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:

None

5.0 CONSULTATION RESPONSES

Rodsley and Yeaveley Parish Council:

- 5.1 The meeting was very well attended by residents who made the following comments during Public Participation
 - Why would a non-resident require private equestrian use of the land when there are already 2 maneges in the village?
 - The proposed new access point is unsafe because it is directly opposite to the opening to Swallowtail Barn. Why would access need to be changed when the existing access is more than adequate and safe, especially for the only occasional equestrian.
 - The Local Plan, Policy S4 paragraph 4, requires that change of use must be of benefit to the area. This is prime agricultural land and the adjacent farmer had hoped to purchase it and would have maintained it as agricultural.
 - The lighting that would be needed by a menage would have a detrimental effect on 2 neighbouring properties.
 - The application and wording in the narrative don't match – with regard to the number of stables and materials used. Change of parking on the site when at present there is no parking area.
 - A lot of the wording in the application is more relevant to residential building requirements than that required for stables and horses!
 - If site only used for grazing then change of use is not required

The Parish Council objects to this application

Derbyshire County Council (Highways)

- 5.2 27/04/2022: Wyaston Road in this location is a classified road subject to a 60mph speed limit, therefore the new access will need to be provided with 2.4m x 203m visibility sightlines. Whilst I appreciate that some visibility sightlines have been shown on the application drawings there do not appear to be any measurements shown. The Highway Authority can consider reducing the sightlines if it can be demonstrated with the aid of a speed survey that the actual vehicle speeds are lower than 60mph. The visibility sightlines can then be adjusted to the actual vehicle speeds. I would also like clarification that the existing access will be

permanently closed and the verge reinstated and that the proposal will be for the personal use of the applicant only.

15/11/2022: The visibility sightlines shown are now acceptable and have been shown in accordance with the actual vehicle speeds submitted on the speed survey data. I have assumed that the proposal is for the personal use of the applicant and not any commercial livery use, assuming this is the case, no objections subject to conditions.

Lead Local Flood Authority (Derbyshire County Council):

- 5.3 We have reviewed the application, the proposed site is more than 1Ha so we recommend applicant to submit an FRA and detailed drainage design for the site.

Derbyshire Wildlife Trust

- 5.4 31/05/2022: We have checked our Biological Records Database and the application area is not identified as a notable grassland site, however we request further details on the existing habitat type and its current management to provide confidence that proposals will not result in the loss of flower-rich grassland. For example, is the field grazed or cut for hay or silage, does it comprise a sown grass ley? This information, along with site photographs if possible, may be sufficient to avoid the requirement for ecological survey.

We have no concerns regarding the erection of the stables. We advise that if any hedgerow is to be lost for a new access, it should be replaced by gapping up the old access with appropriate native hedgerow species.

09/11/2022: Following the submission of photographs of the site: No objections and no further surveys required.

Tree and Landscape Design Officer (Derbyshire Dales)

- 5.5 29/04/2022: A number of mature trees are located close to the proposed development. Unless it can be demonstrated that these trees currently present unacceptable risk to the proposed land use they should all be retained. This is because they contribute significantly to the character and appearance of the local landscape and are likely to contribute to local biodiversity and ecological services. In order to allow the Council to be fully informed regarding the potential impact of the proposals on the trees, the applicant should supply for approval an Arboricultural Impact Assessment to BS5837:2012.

26/07/2022: The submitted tree report, dated July 2022 indicates that the trees are sufficiently far from the proposed development that no direct impact to them is likely and so I have no objections to the proposals.

Environmental Health (Derbyshire Dales)

- 5.6 No objection.

6.0 REPRESENTATIONS RECEIVED

- 6.1 A total of 17 representations have been received in objection to the proposed development. A summary of the representations is outlined below:

- The character of the countryside surrounding the village is overwhelmingly agricultural.
- The site has no planning history as it has been purely agricultural. Granting permission would lead to permanent loss of agricultural use on site.
- Concerns regarding potential future uses of the site e.g. residential.

- The price paid for the site indicates that there was no intention of continuing its agricultural use.
- The applicant does not live in Yeaveley or have any local connections.
- The development would not bring any benefits to the community, the loss of agricultural land would be a setback.
- There is no justification for the new access which is adequate and safe.
- There are numerous issues with the number of horses currently on the roads in the vicinity.
- If there are 6-8 horses the site could be used as a business which would increase traffic to the site.
- Alterations to the road could encourage speeding where there have previously been accidents.
- The site is a SSSI.
- It is essential to secure food security which is not supported with the loss of agricultural land.
- A local farmer expressed interest in the site which demonstrates its viable continued use as agricultural land.
- The location of the proposed development erodes village margins and green space between Yeaveley and Wyaston.
- There are already two maneges within the village.
- The owner does not live in the vicinity so welfare of the horses is a concern.
- The removal of hedging would have a detrimental impact on wildlife.
- A menage and stable block would require suitable external lighting, particularly in autumn and winter and this would be intrusive in a very rural area.
- The land in question is mainly underlying clay and therefore drainage may be an issue particularly in wet winter months when the local roads suffer from water running off the field.
- The development would be wholly negative in terms of damage to the landscape, light pollution and loss of biodiversity.
- The submitted statement mentions that parking signage will be installed for residents and visitors which implies the building will be at least partly for residential use. If the facility is only for the private use of the owner, why is parking signage required at all?
- Soakaways do not perform well in the heavy clay soil of this area and cannot cope with heavy rainfall.
- The scale of the stables is far beyond that of others in the vicinity.
- The fact that the applicant has explored a number of options for development and does not give any real reasoning or justification for the keeping of 8 horses by a non-resident and non-local gives this the feel of a stepping-stone application.
- It is imperative that this application does not set a precedent that agricultural land can be bought and developed; existing hedges with their diverse eco systems destroyed and removed; existing access arrangements be altered when this is not justified; if no improvement of the best use of the land has been proposed.
- References are made to the site being green belt and the NPPF policies relating to the green belt.
- Surely it only needs to be the area of the stable block and ménage that would need to change use from agricultural to a paddock. There is no necessity to change the use of the whole field.
- The effect of the development upon local amenity would be through food prices. There is also a continued loss of agricultural land to desertification.

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- The principle of the development 49

- Impact on the character and appearance of this part of the countryside and the local landscape
- Impact on residential amenity
- Highway safety
- Impact on trees and biodiversity

The principle of the development

- 7.1 The site is located to the north of Yeaveley, a village identified by policy S2 (Settlement Hierarchy) of the Adopted Derbyshire Dales Local Plan (2017) as a fifth tier settlement which has a lack of basic facilities to meet day to day requirements. As Yeaveley does not have a defined settlement boundary, in accordance with policy S2, the site is considered to be “open countryside” and the principle of development should therefore be assessed against policy S4 (Development within the Open Countryside) of the Plan.
- 7.2 Policy S4 outlines the acceptable forms of development in countryside locations such as the application site. Although applications for development in the countryside should generally demonstrate why such a location is required, equestrian activity and associated development is cited as an acceptable form of development under d) where it does not have an adverse impact upon the character of the area, in recognition that such development is compatible with and justifies a countryside location. Where commercial use is proposed consideration would need to be given to the sustainability of the location, however, the development is for the personal use of the applicant in this case.
- 7.3 The impact of the development on the character and appearance of this part of the countryside will be assessed below however, the principle of equestrian development on the site is considered to be acceptable and would be in accordance with policy S4 of the Adopted Derbyshire Dales Local Plan (2017).

Impact on the character and appearance of this part of the countryside and the local landscape

- 7.4 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.
- 7.5 The existing site comprises a relatively level open agricultural field, enclosed by boundary hedge/tree planting. It is acknowledged that the addition of the stables and manege would result in some landscape visual impact however, due to the existing mature planting views of the new structures would be limited from the highway / public viewpoints. The stables, whilst large in footprint, are of modest height and would be clad in timber to give a utilitarian appearance that would not be conspicuous in the landscape. It is acknowledged however than any further development such as floodlighting may have additional visual impact which may then result in harm and it is therefore considered necessary to restrict any further development of this nature by condition.
- 7.6 The proposed new vehicular access to the site would be formed by the removal of an existing section of hedgerow. The existing hedgerow planting along Wyaston Road is considered to make a significant contribution to the rural character of the area. The removal of a section of hedgerow is therefore considered to result in some impact on the character of the area however, given the scale amount of planting to be removed and the strengthening of the boundary hedge through the blocking upon of the existing access, this impact is not deemed to be significant in landscape impact terms to the extent that a recommendation of refusal on such grounds could be sustained.
- 7.7 The development is considered to be compatible with and respectful of the character and appearance of this part of the countryside and the identity and context of the landscape and

would be in accordance with policies S4, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017) in this regard.

Impact on residential amenity

- 7.8 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) requires development proposals to achieve a satisfactory relationship with adjacent development and 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.
- 7.9 Whilst there are neighbouring residential properties in the vicinity of the site, the proposed stable building and manege are positioned at the northern end of the existing field, away from these residential properties. The development is unlikely to result in any adverse impacts to the residential amenity of the occupants of the nearby dwellings with regard to overshadowing/loss of privacy or any odour associated with the equestrian use of the site. Environmental health officers have raised no objection to the development in this regard.
- 7.10 Based on the above, the development is considered to achieve a satisfactory relationship with surrounding properties and the development would remain in accordance with policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

Impact on highway safety

- 7.11 The application, as submitted, was accompanied by a site location/block plan and Design and Access Statement which set out the proposed new access to the development site. The initial comments received from the Local Highway Authority raised concerns that the proposed visibility sightlines would not be sufficient for Wyaston Road which is subject to a 60mph limit.
- 7.12 The applicant has since carried out a speed survey for the highway which concluded that the average speed of 85% of traffic is 43mph. The amended sight location plan demonstrates that the Manual for Streets recommended visibility splay of 79-95m can be achieved in both directions. Confirmation has also been received that the existing access would be permanently blocked up.
- 7.13 On the basis of the additional information provided, the Local Highway Authority are satisfied that the new access, subject to conditions, would not have an adverse impact on the safety of highway users. The development is therefore considered to be in accordance with policies S4 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

Impact on trees and biodiversity

- 7.14 Following initial comments received from the District Council's Trees and Landscape Officer, the applicant has submitted an Arboricultural Assessment of the Site. The findings of the assessment conclude that the development is located a sufficient distance away from any planting such that there would be no direct impact on any of the trees on site as a result of the proposed development.
- 7.15 Reference is made within the representations to the site being Green Belt land and a Site of Special Scientific Interest (SSSI). The site is open agricultural land however, Derbyshire Dales does not have any green belt land which is subject to the protections outlined in Part 13 of the National Planning Policy Framework (2021). Similarly, whilst the half of the site is located within an SSSI Impact Risk Zone the site itself is not designated a SSSI.
- 7.16 Notwithstanding the above, Derbyshire Wildlife Trust sought additional information on the existing habitat type and its management in order to be satisfied that no additional surveys

would be required. The applicant has since submitted additional information confirming that the site is currently mown for hay and therefore provides limited habitat potential. Confirmation has also been provided that the existing access would be blocked up using a native species hedgerow. On the basis of the additional information provided, Derbyshire Wildlife Trust have confirmed that no further survey work is required and the development would not result in any adverse impacts on the biodiversity of the site. A condition to secure additional planting in lieu of the section of hedgerow to be removed to facilitate the new access and any other habitat creation is recommended to ensure biodiversity enhancement.

7.17 The development is considered to be in accordance with policies PD3 and PD6 of the Adopted Derbyshire Dales Local Plan (2017) with regard to its impact on trees and biodiversity.

Conclusion:

Based on the above assessment, the proposed development, subject to conditions would be in accordance with the relevant policies of the Adopted Derbyshire Dales Local Plan (2017). A recommendation of approval is made on this basis.

8.0 RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

Reason:

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

2. The development hereby permitted shall be carried out in accordance with the following plans:

003 Rev P05 – Amended Site Location Plan (received 28/10/2022)

004 Rev P03 – Proposed Stables (received 13/04/2022)

Reason:

For the avoidance of doubt.

3. The development hereby permitted does not extend to the erection of any floodlights without first obtaining the prior written approval of the Local Planning Authority on an application submitted to it.

Reason:

In the interests of visual amenity and to protect the character, appearance and setting of nearby heritage assets in accordance with policies PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

4. The development hereby permitted shall only be used for the private use of the applicant/landowner and shall at no time be used for any commercial purpose whatsoever, including for livery, or in connection with equestrian tuition or leisure rides.

Reason:

In the interests of highway safety in accordance with policy S4, PD1 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

5. Before any other operations are commenced a new vehicular access shall be created to Wyaston Road in accordance with the revised application drawings, laid out, constructed and provided with visibility splays of 2.4m x 104m to the north and 2.4m x 79 to the south, the area in advance of the sightlines being maintained throughout the life of the development clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

Reason:

In the interest of highway safety in accordance with policies S4 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

6. Before any other operations are commenced (excluding creation of the new access, the subject of condition 5 above), the existing vehicular access to Wyaston Road shall be permanently closed with a physical barrier and the existing vehicle crossover reinstated as verge in a manner to be agreed in writing with the Local Planning Authority in consultation with the County Highway Authority prior to first use of the new access.

Reason:

In the interest of highway safety in accordance with policies S4 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

7. Prior to first use of the stables or manege hereby approved, space shall be provided within the application site in accordance with the application drawings for the parking and manoeuvring of vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

Reason:

In the interest of highway safety in accordance with policies S4 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

8. There shall be no gates or other barriers within 15m of the nearside highway boundary and any gates shall open inwards only.

Reason:

In the interest of highway safety in accordance with policies S4 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

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

Reason:

To ensure a satisfactory external appearance of the development in accordance with policies S4 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

10. In accordance with the requirements of Condition 6, details of the measures to achieve biodiversity gain, including planting associated with the closing up of the existing access and new habitat creation shall be submitted to and approved in writing by the Local Planning Authority. The measures and planting shall thereafter be carried out in accordance with the approved details within the first planting and seeding season following first use of the access, manege or stables hereby approved unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To minimise the impact on the local landscape and to comply with the requirements of Policies PD1, PD3 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

9.0 NOTES TO APPLICANT:

The Local Planning Authority prior to and during the consideration of the application engaged in a positive and proactive dialogue with the applicant which resulted in the submission of a scheme that overcame initial concerns relating to the impact of the proposed development on highway safety and biodiversity.

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

Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department - Place at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website <https://www.derbyshire.gov.uk/transport-roads/roads-traffic/licences-enforcements/vehicular-access/vehicle-accesses-crossovers-and-dropped-kerbs.aspx> E-mail highways.hub@derbyshire.gov.uk or Telephone Call Derbyshire on 01629 533190.

Pursuant to Section 127 of the Highways Act 1980, no work may commence within the limits of the public highway to close any redundant accesses and to reinstate the footway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 127 Agreements may be obtained by contacting this Authority via email – highways.hub@derbyshire.gov.uk. The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 127 Agreement.

The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.

Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.⁵⁴

Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

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22/00721/VCOND

Peak Village Estates, Rowsley



Derbyshire Dales DC

1:2,500

Date: 29/11/2022

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Telephone: (01629) 761100.
website : www.derbyshiredales.gov.uk

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APPLICATION NUMBER		22/00721/VCOND	
SITE ADDRESS:		Peak Village Estates, Chatsworth Road, Rowsley	
DESCRIPTION OF DEVELOPMENT		Variation of Conditions 3, 4 and 5 of planning permission 15/00741/FUL to facilitate amplified music and public address, allow 24 outdoor markets within a calendar year and vary hours of setup and access for events and markets	
CASE OFFICER	Sarah Arbon	APPLICANT	Devonshire Retail Property Limited
PARISH/TOWN	Rowsley	AGENT	Miss Louie Sneddon
WARD MEMBER(S)	Cllr Matthew Buckler	DETERMINATION TARGET	15.08.2022
REASON FOR DETERMINATION BY COMMITTEE	5 or more unresolved objections	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to appreciate the site and context.

MATERIAL PLANNING ISSUES

- Impact upon the amenity of neighbouring properties
- Impact upon highway safety

RECOMMENDATION

That the application be approved subject to the conditions set out in section 8.0 of the report.

1.0 THE SITE AND SURROUNDINGS

1.1 Peak Village is a shopping outlet centre located within Rowsley. The stone single storey buildings form a courtyard around the former railway building, now a retail unit as part of the Peak Village, is a grade II listed building which dates from 1849 and was designed by Joseph Paxton. The centre has a large parking area to the west adjacent to the river with the nearest residential properties to the north on Riverbank and Hickney Crescent. Access to the B6012 is via Hickney Crescent.



2.0 DETAILS OF THE APPLICATION

- 2.1 The variation of planning conditions 3, 4 and 5 imposed upon planning permission 15/00741. This permission granted “Use of outdoor area for assembly and leisure (Use Class D2) and outdoor market (Use Class A1) and farmers market.”
- 2.2 Planning condition 3 states: “No external system of public address, loudspeaker system or amplified sound shall be operated on any part of the site without the prior written approval of the Local Planning Authority.”
- 2.3 Reason: “In the interests of residential amenity in accordance with the requirements of Policy EDT11 of the Adopted Derbyshire Dales Local Plan and in accordance with guidance contained within the National Planning Policy Framework.”

- 2.4 The application seeks to vary condition 3 to allow amplified low-level ambient music and public address.
- 2.5 Planning condition 4 states: "Set up of the events and markets and access to the site shall be restricted to the hours of 0830 Monday to Saturday and 0900 on Sundays and Bank/Statutory holidays with no works taking place before these times. All events shall cease by 1730 with all equipment removed from the site by 1800. There shall be no working at the site in connection with the uses beyond 1800."
- 2.6 Reason: "In the interests of residential amenity in accordance with the requirements of Policy EDT11 of the Adopted Derbyshire Dales Local Plan and in accordance with guidance contained within the National Planning Policy Framework."
- 2.7 The application proposes to vary planning condition 4 to permit the following hours of operation in relation to the outdoor markets: 07:30 – 20:00 Monday to Saturday, 07:30 – 18:30 Sunday and Bank Holidays
- 2.8 Planning condition 5 states: "There shall be only 12 farmers markets held within any calendar year."
- 2.9 Reason: "To ensure that the operation of the farmers market in this location does not adversely affect other farmers markets within the locality in the interests of protecting rural services and the rural economy in accordance with guidance contained within the National Planning Policy Framework."
- 2.10 The application proposes to vary planning condition 5 to allow 24 outdoor events per year and remove the word 'farmers' from condition 5 to allow flexibility of the tradesmen and choice of product on offer in accordance with the planning obligation which limits the sale of goods on the site.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan 2017

S1 Sustainable Development Principles
 S3 Development within Defined Settlement Boundaries
 EC1 New Employment Development
 EC8 Promoting Peak District Tourism and Culture
 PD1 Design and Place Making
 PD2 Protecting the Historic Environment
 PD9 Pollution Control and Unstable Land
 HC19 Accessibility and Transport

3.2 Other:

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

4.0 RELEVANT PLANNING HISTORY:

13/00684/FUL	Change of use of land to facilitate use for outdoor market and car boot sales every Sunday from 1st October to 31st March between 10.00 a.m. and 5.30 p.m.	REF	14/11/2013
14/00479/FUL	Use of outdoor area for assembly & leisure (use class D2) and outdoor market (use class A6)	PERC	05/11/2014

15/00741/FUL	Use of outdoor area for assembly and leisure (Use Class D2) and outdoor market (Use Class A1) and farmers market	PERC	22/04/2016
16/00210/FUL	Enlargement of windows to units 1 and 26	PERC	15/06/2016
16/00560/VCOND	Variation of condition 7 of permission DDD/0595/0324 to allow four late night evening openings until 9 pm throughout a single calendar year	PERC	06/10/2016
21/00986/FUL	Temporary use of land for outdoor markets until 31 st December 2021	PERC	22/10/2021
04/09/0839	Use of land as farmer's market for 12 days in a calendar year	A	05/11/2004

5.0 CONSULTATION RESPONSES

5.1 Parish Council: No response to date.

5.2 Peak District National Park Authority: No response to date.

5.3 Highway Authority:

No objections subject to proposals being carried out in accordance with the submitted Events Management Plan.

5.4 DDDC Environmental Health:

Initially Environmental Health objected to the application due to the information provided being too generic. The Environmental Health Officer (EHO) recommended that a noise management plan be submitted.

The applicant has submitted a revised noise management plan following feedback from the EHO. The EHO has no objection to the revised noise management plan but recommends that opening and operational times are restricted to 08.30 to 18.00 on Sunday and Bank/Statutory holiday to prevent public nuisance.

6.0 REPRESENTATIONS RECEIVED

6.1 Five representations objecting to the application have been received to date. The reasons for objection are summarised below:

- Noise from vehicle movements and unloading before 07.30 to facilitate the setup of the outdoor markets will harm the residential amenity of neighbouring properties and visitors staying in the bed and breakfast at 4 Chatsworth Road.
- The development will cause noise and increased traffic through a residential area.
- Chatsworth Road is unsuitable for the volume of traffic it seems and traffic damages boundary walls along the road side and causes pollution.
- The proposal for low-level amplified music to be used to facilitate localised announcement and background music. It is very difficult to provide low level music in a venue of this size which will not be a nuisance to local residents.
- Amplified music will harm the residential amenity of neighbouring properties.
- Proposed amplified music is unnecessary.

- Additional markets will harm the residential amenity of neighbouring properties.
- The last event to take place under the temporary planning permission in December 2021 clashed with events at both Chatsworth and Bakewell leading to the local area being severely congested with traffic. It is difficult to see how organisers of these events will plan this on obviously popular weekend dates throughout the year.
- Existing conditions are frequently ignored with traffic movement and deliveries before 08.30.
- Events have been held outside since planning permission was granted which have resulted in unacceptable noise impacts to neighbouring properties.

7.0 OFFICER APPRAISAL

Variation or removal of planning conditions

- 7.1 Section 73 of the Town and Country Planning Act 1990 provides that an application may be made for planning permission without complying with conditions applied to a previous permission. The Local Planning Authority may decide whether to grant permission subject to differing conditions (this can include imposing new conditions), remove the conditions altogether or refuse to alter conditions. The section makes it clear that in considering such an application a Local Planning Authority may only consider the question of the conditions and not revisit the principle of the development.
- 7.2 Therefore, only the acceptability of the proposal in the context of the reasons for the imposition of the conditions falls to be considered in the determination of the current application. However, in terms of decision making, a Section 73 application should be treated like any other application, and due regard paid to the development plan and other material considerations.
- 7.3 Having regard to the above, consultation responses and representations received and the relevant provisions of the development plan and the National Planning Policy Framework, the main issues to assess are:
- Impact upon the amenity of neighbouring properties
 - Impact upon highway safety
- 7.6 The application site is an established shopping centre with permission to hold up to 12 outdoor markets per year. This application seeks to vary conditions to allow up to 24 markets per year along with longer opening hours and 'low-level' background music and public announcements.
- 7.7 Policies S1, EC1 and EC8 support proposals for the expansion of existing businesses in sustainable locations that contribute towards the creation and retention of a wide range of jobs. The policy encourages intensification and more efficient use of existing sites where they are not fully utilised and visitor-based service sector jobs within the local tourism industry. The provision of additional markets and longer hours of operation is acceptable in principle.
- 7.8 Policies S1, PD1 and PD9 require all development to provide a high standard of amenity and ensure that communities have a healthy, safe living environment free from the risks of pollution.
- 7.9 A number of concerns have been raised in representations and by the EHO in regard to noise from the markets, amplified music and associated vehicle movements, loading and unloading. A noise management plan (NMP) has been submitted in support of the application following advice from the EHO. The NMP proposes the following noise control measures for events:

- 1) Amplified music /noise would only be omitted during the permitted opening times and restricted in the morning to start after 11am.
- 2) Minimal PA systems would be used to offer clarity of sound.
- 3) Noise monitoring devices / equipment would be used and a log kept of noise levels.
- 4) Performers /Musicians would not have control of noise levels but designated person of authority/event management team working to a strict brief on noise levels as defined by sound checks.
- 5) Initial sound checks would be carried out at the event start to ensure that appropriate noise levels are established with ongoing checks adhering to this benchmark throughout the day.
- 6) Sound checks would include consideration to neighbouring dwellings at Hinckley Court & the cottages and Bed and Breakfast dwelling on Chatsworth Road.
- 7) Site management present for set up and pack down to ensure smooth running and noise monitoring.

7.10 The EHO has been consulted on the submitted NMP and has no objection subject to a planning condition to ensure that amplified music and announcements are only carried out in accordance with the NMP. Having had regard to the advice from the EHO it is considered that any adverse impacts from noise can be mitigated to an acceptable level. It is therefore recommended that planning condition 4 be varied accordingly.

7.11 The application proposes to extend the hours of operation of the markets to 07.30 – 20.00 Monday to Saturday and 17.30 – 18.30 Sundays and Bank Holidays. Concerns have been raised in particular about vehicle movements and loading and unloading early in the morning. The EHO has no objection to the proposed hours Monday to Saturday but does raise concerns about the times on Sundays and Bank Holidays. The EHO recommends that on these days the markets are restricted to between the hours of 08.30 and 17.00 with set up / break up works restricted to between the hours of 08.30 and 18.00.

7.12 Officers have discussed these times with the applicant to reach agreement. Taking into the account the advice of the EHO and concerns raised in representations it is considered to be reasonable and necessary to restrict the hours as recommended in the interests of the amenity of neighbouring properties. It is therefore recommended that planning condition 4 be varied and a new planning condition 5 be added to set clear limitations for the approved hours of the market and set up / break up works.

7.13 Subject to the restrictions set out above there is no objection in principle to the proposed increase in number of markets from 12 to 24. This would still be a relatively small number of markets each calendar year and would not result in harm to residential amenity or adverse noise or other disturbance.

7.14 The proposals would not result in any change to existing access or parking arrangements and would not result in any significant increase in vehicle movements over and above the existing established use of the site as a shopping centre with outdoor markets. No objection has been raised by the Highway Authority and it is considered that the development will not harm highway safety.

7.15 Therefore having had regard to all matters raised in consultation responses and representations that, subject to the imposition of appropriate planning conditions, the

proposal is in accordance with the development plan. In the absence of any further material considerations the application is recommended for approval. If permission is granted it is necessary to repeat planning conditions 2 and 6 imposed on planning permission 15/00741/FUL.

8.0 RECOMMENDATION

The planning permission is approved, subject to the following conditions.

- 1 This permission shall relate only to the shopping area of Peak Village in accordance with the A4 red edged site plan received 13.10.2015 and shall not spill out into the car parking areas or green fields surrounding the site.

Reason:

To clarify the limit of the permission in the interests of highway safety and residential amenity in accordance with the requirements of Policies HC19 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

- 2 The external system of public address, loudspeaker system or amplified music system shall be operated at low-level within the centre in accordance with the submitted Noise Management Plan dated 28.10.2022 and shall not be used other than to facilitate localised announcements and background music only as described within the submitted supporting letter dated 30.05.2022.

Reason:

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

- 3 The use hereby permitted (excluding deliveries and set up / break up works) shall be restricted to the hours of 07.30 – 20.00 Monday to Saturday and 08.30 – 17.00 on Sundays and Bank/Statutory holidays.

Reason:

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

- 4 All deliveries and set up / break up works associated with the use hereby permitted shall be restricted to the hours of 07.30 – 21.00 Monday to Saturday and 08.30 – 18.00 on Sundays and Bank/Statutory holidays.

Reason:

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

- 5 The operation of the events/markets shall be in accordance with the restrictions on the sales of goods as defined in the legal agreement dated 17th May 1996 as follows:

- Imperfect goods
- End of line goods sold at discount prices
- Goods manufactured by the retailer
- 'Own brand' goods exclusive to the retailer but manufactured by another
- Goods previously offered for sale elsewhere

- Goods relating to sporting outdoor and/or recreational pursuits
- Regional specialties and local produce including but not limited to food and foodstuffs
- Products or goods have a connection with the locality or countryside
- Sale of goods ancillary to or relating to tourism

Reason:

For avoidance of doubt.

9.0 NOTES TO APPLICANT:

The Local Planning Authority considered the application and has requested additional supporting information to overcome any concerns raised. The Local Planning Authority has engaged with the applicant in positive and permission was granted following this negotiation.

This permission relates to the following documents:

Planning application form

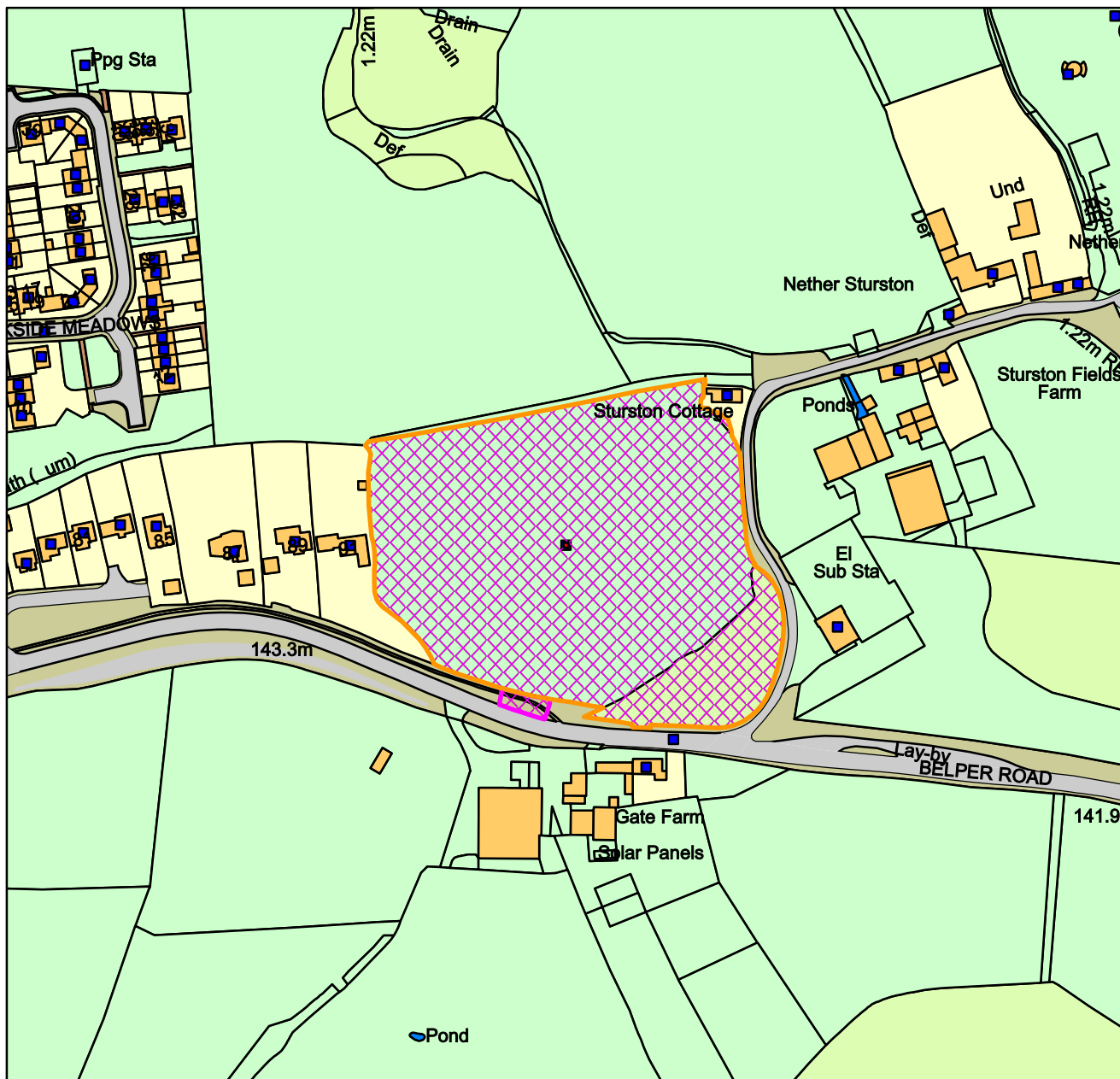
Peak Village & Events Management Plan dated 20.04.2022

Covering letter dated 30.05.2022

Noise Management Plan dated 28.10.2022

22/00777/OUT

Land Off Belper Road, Ashbourne



Derbyshire Dales DC

1:2,500

Date: 29/11/2022

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Town Hall, Bank Road, Matlock, Derbyshire DE4 3NN.
Telephone: (01629) 761100.
website: www.derbyshiredales.gov.uk

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APPLICATION NUMBER		22/00777/OUT	
SITE ADDRESS:		Land off Belper Road, Ashbourne	
DESCRIPTION OF DEVELOPMENT		Outline planning application for the erection of up to 30no. dwellinghouses with approval being sought for access	
CASE OFFICER	Adam Maxwell	APPLICANT	Mr K Whitmore
PARISH/TOWN	Ashbourne	AGENT	Planning & Design Practice Ltd
WARD MEMBER(S)	Cllr Susan Bull Cllr Stuart Lees	DETERMINATION TARGET	EOT agreed until 16.12.2022
REASON FOR DETERMINATION BY COMMITTEE	Major application	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to appreciate the site and context.

MATERIAL PLANNING ISSUES

- Whether residential development on this site is acceptable in principle
- Landscape impact and impact upon the character and appearance of the area
- Impact on cultural heritage
- Transport and Impact on highway safety
- Impact upon the amenity of neighbouring properties
- Sustainable building and climate change
- Flood risk and drainage
- Impact on trees and biodiversity
- Affordable housing, housing mix and developer contributions

RECOMMENDATION

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

1.0 THE SITE AND SURROUNDINGS

- 1.1 This site is located north of the A517 (Belper Road) on the eastern edge of Ashbourne. The site is a 1.68 hectare field located between the existing eastern edge of Ashbourne and the junction of Belper Road and Mill Lane. Ashbourne public footpath no.13 runs within the northern boundary of the site. The site lies beyond but adjacent to the settlement boundary of Ashbourne.
- 1.2 The land slopes downwards from Belper Road the south west to the north east. The field is largely bounded by substantial hedgerows and post and rail / wire fencing with dispersed mature trees.
- 1.3 The nearest neighbouring residential properties include Lark Rise 91 Belper Road to the west, Sturston Cottage to the east and Gate Farm (Grade II listed) to the south. The electricity substation on Mill Lane is located to the east of the site.

2.0 DETAILS OF THE APPLICATION

- 2.1 Outline permission is sought for up to 30 dwellings with access included and all other matters reserved. Access would be from the A517 (Belper Road).
- 2.2 An indicative plan shows 30 dwellings with the access road broadly central before branching to the east and west to provide access to the dwellings at the north edge of the site and parking areas to the rear of the rest of the dwellings. The indicative plan shows part of the site to the south east undeveloped and retained as open land.
- 2.3 The application indicates that the development will comprise a mixture of 1, 2, 3 and 4 bedroom dwellings.





3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan 2017

- S1 Sustainable Development Principles
- S2 Settlement Hierarchy
- S4 Development within the Countryside
- S5 Strategic Housing Development
- S8 Ashbourne Development Strategy
- S10 Local Infrastructure Provision and Developer Contributions
- PD1 Design and Place Making
- PD2 Protecting the Historic Environment
- PD3 Biodiversity and the Natural 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
- HC4 Affordable Housing Provision
- HC11 Housing Mix and Type
- HC14 Open Space, Sports and Recreation Facilities
- HC18 Provision of Public Transport Facilities
- HC19 Accessibility and Transport
- HC20 Managing Travel Demand
- HC21 Car Parking Standards.

3.2 Adopted Ashbourne Neighbourhood Plan 2021

- HOU1 Housing Mix
- DES1 Design
- AH1 Ashbourne Heritage
- TRA1 Transport

3.3 Other:

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

4.0 RELEVANT PLANNING HISTORY: 71

None

5.0 CONSULTATION RESPONSES

Town Council

- 5.1 “Members feel the development is inappropriate for the site, the proposed entrance is in close proximity to the brow entrance into Ashbourne. It will impact the landscape significantly and the River Henmore together with Ashbourne’s ancient Shrovetide game. Members also questioned the justification of a housing development on Brown field sites (Officer Note: this site is a green field site and not previously developed land) when there are a significant number of housing developments already within Ashbourne.”

Derbyshire Wildlife Trust

- 5.2 “The application is accompanied by a Preliminary Ecological Appraisal (PEA) prepared by Absolute Ecology (September 2021), a Biodiversity Net Gain Strategy (BNG) and a Great Crested Newt eDNA report prepared by Elton Ecology (May 2022). In addition, I have reviewed the Biodiversity datasets held by DWT and Derbyshire Biological Records Centre.

The reports are considered to have been undertaken in accordance with current guidelines and to provide the Council with a sufficient level of information to determine and assess the likely biodiversity implications of the development.

We are not aware of any features of high nature conservation value or designations at this site. The PEA and BNG reports have confirmed the presence of hedgerows and some of these would qualify as Habitats of Principal Importance. The hedgerows are for the most part situated around the boundaries of the site. The majority of the site is assessed as modified grassland in fairly poor condition with a smaller area of modified grassland in good condition. Modified grassland is typically species poor and not generally considered to be of nature conservation significance.

Nonetheless it is assigned a value within the Defra Biodiversity Metric.

Potential impacts on protected species are assessed within the PEA and the great crested newt report and the conclusions reached are considered to be reasonable. Overall impacts on protected species are likely to be fairly limited, but some measures will be required to ensure that breeding birds, hedgehog, badger and bats are not adversely affected.

Four sycamore trees and one lime tree were assessed as having moderate potential for supporting roosting bats. The four sycamore trees are in the south-east of the site and it should be possible to retain all of them subject to any recommendations in the arboricultural report. The lime tree is located in the north-east of the site and looks likely to be affected by the development, possibly requiring removal. Additional surveys for bats will be required for any of these trees if they are to be felled or significantly pruned.

Biodiversity Net Gain, Mitigation and Enhancement

The BNG report has concluded that the development can deliver a net gain for habitats and hedgerows on-site of 30% for habitats and almost 19% for hedgerows. The accompanying rationale for this together with the submitted indicative plan would suggest that this is feasible.

Clearly alterations to the proposed layout at later stages of the planning process could affect this assessment.

The PEA has set out a range of mitigation and enhancement relating to species and these are considered to be acceptable as far as they go, but we would recommend some additional measures.

In particular, in relation to swifts, the newly published British Standard (BS 42021:2021 Integral nest boxes – Selection and installation for new developments) provides specifications on the number and type of integral boxes that should be sought within new developments. For example:

- a) To provide new and enhanced opportunities for nesting, the number of integral nest boxes on new residential developments shall at least equal the number of dwellings, i.e. the ratio of integral nest boxes to dwellings is 1:1.
- b) External nest boxes are additional to the installation of integral nest boxes on new developments and should not be included as part of the 1:1 ratio.

This is also supported by the National House Building Council Foundation, the standard-setting body for new homes: "Section 8.1 Nest sites for birds (page 42): "Provision of integral nest sites for swifts is through hollow chambers fitted into the fabric of a building while in construction. Although targeting swifts they will also be used by house sparrows, tits and starlings so are considered a 'universal brick'"

The final details for mitigation and enhancements will need to be written up in detail and submitted under Conditions for a Construction Environment Management Plan for Biodiversity and as part of a Biodiversity Enhancement Plan for the site. Recommendations are set out in detail below.

Conclusions and recommendations

The development has provided sufficient information for the Council to be reasonably confident that a net gain for biodiversity can be achieved on-site and that any impacts on protected species can be avoided or mitigated provided that conditions are attached to any planning approval.

We have reviewed the Bat Activity Report (Elton Ecology, September 2022), which provides the results of three bat activity transects for the above site. A reasonable level of survey effort has been undertaken. The results do not significantly alter our previous response and the recommended conditions are still considered suitable."

Education Authority

5.3 "Primary Level

The proposed development falls within and directly relates to the shared normal area of St Oswald's CofE Primary School, Ashbourne Primary School, and Ashbourne Hilltop Primary

and Nursery School. The proposed development of 30 dwellings would generate the need to provide for an additional 7 primary pupils.

St Oswald's CofE Primary School has a net capacity of 210 pupils and has 202 pupils on roll currently. The latest projections show the number of pupils on roll to be 222 during the next 5 years.

Ashbourne Primary School has a net capacity of 315 pupils and has 199 pupils on roll currently. The latest projections show the number of pupils on roll to be 245 during the next 5 years.

Ashbourne Hilltop Primary and Nursery School has a net capacity of 140 pupils and has 111 pupils on roll currently. The latest projections show the number of pupils on roll to be 91 during the next 5 years.

An evaluation of recently approved major residential developments within the normal area of the shared normal area of above primary schools shows new development totalling 94 dwellings, amounting to an additional 24 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 shared normal area primary schools would have sufficient capacity to accommodate the 7 primary pupils arising from the proposed development.

Secondary Level

The proposed development falls within and directly relates to the normal area of Queen Elizabeth's Grammar School. The proposed development of 30 dwellings would generate the need to provide for an additional 8 secondary phase (with post 16) pupils.

Queen Elizabeth's Grammar School has a net capacity for 1,384 pupils with 1,376 pupils currently on roll. The number of pupils on roll is projected to increase/decrease to 1,330 during the next five years.

An evaluation of recently approved major residential developments within the normal area of Queen Elizabeth's Grammar School shows new development totalling 465 dwellings, amounting to an additional 30 secondary phase (with post 16) 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 8 secondary phase (with post 16) pupils arising from the proposed development.

Mitigation

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 secondary school would not have sufficient capacity to

accommodate the additional pupils generated by the proposed development. The County Council therefore requests financial contributions as follows:

- £224,264.56 towards the provision of 8 secondary phase (with post 16) places at Queen Elizabeth's Grammar School via additional education facilities."

Environment Agency

5.4 "We have reviewed the submitted documents and on this occasion the Environment Agency will not be making any formal comment on the submission for the following reason:

From a flood risk perspective, the development falls within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the site. Our standing advice (FRSA) applies which can be found on the Flood risk assessments if you're applying for planning permission - GOV.UK (www.gov.uk) pages of the Gov.uk website. It is for the Local Planning Authority to ensure planning submissions adhere to this advice.

There are no other environmental constraints associated with the application site which fall within the remit of the Environment Agency."

Highway Authority

5.5 "We appreciate that this is an 'Outline' planning application with "some matters reserved", however we note from the submitted application and also agree that 'means of access' onto the highway and the principle of development in highway terms must be considered at this time.

It is noted that an objection to the application referring to personal injury collisions in the area highlights such data covering a 20yr+ period. I will address this collective data and objection observations as follows.

Derbyshire County Council (DCC) traffic and safety teams regularly monitor the personal injury collision records held by the police to identify sites, including road junctions, where collisions are occurring on a regular basis, where clusters are identified within the latest 3yr or 5yr period. This is considered the normal period for analysis regarding collision data where concern and action is to be taken and where DCC identifies sites for casualty reduction schemes. This particular area adjacent the application site is not one of concern for DCC to take appropriate measures.

The Derby and Derbyshire annual casualty report shows what has been achieved in road traffic casualty reduction within our area, as well as detailed analysis of casualty trends by road user types.

Regarding this application site and proposal this section of highway fronting the site in terms of accident trends is not an area of concern for highway safety as it is noted from the latest data that there are no significant correlations in the timing, location, frequency or circumstances of the personal injury collision data within 100m of the application site within the latest 5yr period. In short there is only one recorded personal injury collision within the past 5 years which occurred in 2018. 75

Additionally, the applicant's agent has clearly demonstrated that given the actual speed of existing traffic that are eastbound on the A515 fronting the site that drivers' visibility of 59metres should be provided for at the proposed access to the west. My own recent on site observations and assessment in this direction towards the crest of the hill (west of the site) is that driver's visibility both forward and from the proposed new access arrangement is that a visibility distance of approximately 114metres can be achieved to and from the crest of the hill. Overall, the proposed access arrangement and its visibility in both directions is considered acceptable for the proposed development and its associated traffic generation. Driver's visibility at the proposed access is to be secured through the below recommended condition.

In terms of development traffic impact there are no highway concerns raised with regards to the access arrangements onto the highway network or its impact on the nearby junction's capacities.

In summary the highway network is therefore considered satisfactory to be able to accommodate with the proposals without detriment to road users.

The proposal will affect existing signs on the highway and this can be dealt with through the Section 278 process. To conclude the development proposals can be accommodated into the existing network without detriment to other road users and on this basis, there are no objections to the proposed development from a traffic and highway point of view subject to conditions and informatives."

Lead Local Flood Authority

5.6 "We are unable to provide an informed comment until the applicant has provided further information and clarification:

- Can the developer please provide confirmation of the route of the culvert through the site?
- The two options for managing surface water are both modelled with different soil types, can the developer please provide a quick storage estimate with soil type one and with the lower run off rate?
- Due to the risk of blockage to the inlet of the ditch as it flows below Mill Lane, the developer should carry out further investigation into the impact of this risk as raising levels could divert more flows onto Mill Lane, increasing the flood risk to existing properties."

Officer Note: the applicant has submitted an addendum to the Flood Risk Assessment (FRA). The Lead Local Flood Authority was re-consulted on the 30.09.2022 but no additional comments have been received to date. Any further response will be provided at the meeting.

NHS Derby and Derbyshire Combined Care Group (CCG)

I can confirm that we will not be requesting (a financial contribution) for this application as it falls under our threshold.

DDDC Conservation Officer

5.7 “The site (and agricultural field) lies on the northern side and abuts Belper Road (and 18th century turnpike road – c.1764). On the immediate southern side of Belper Road, opposite the site is Gate Farm, and 18th century farmhouse and attached farm buildings (grade II listed, 1974). The site slopes down from Belper Road towards Sturston Cottage, a mid-19th century cottage (located at the north-eastern corner of the site outside of the proposed development area). To the immediate west of the development site are modern houses and the site is bounded on the east by Mill Lane (and an electrical sub-station & Sturston Fields Farm). A public footpath runs parallel to the northern boundary of the site.

The outline application is for the erection of up to 30No. dwelling houses with approval being sought for access. Access is off Belper Road (A517) and its position is indicated on the indicative site plan.

In terms of conservation, a primary consideration is the potential impact of development of the site on the setting of the listed building as the key designated heritage asset. At the southern end of the site, adjacent to Belper Road, are the remains of a former cottage – this was demolished in the late 1950s/early 1960s. A Heritage Impact Assessment (HIA) has been produced. As the application is in outline only (with approval being sought for the access) the HIA presents a series of ‘design principles’ to protect the character and significance of nearby heritage assets. The principle proposal is for a “retained green space in south/east corner to maintain rural setting for listed farmhouse”. The HIA acknowledges the listed farmhouse “is, at least to some extent, appreciated and understood by virtue of being a semi-rural setting”. The HIA notes that this setting has been tempered, to a degree, by the busy A517, the (former) airfield to the north and the small cottage opposite the listed farmhouse at the northern edge of the site. That said, it is considered that the site must be considered as it is today, and whilst the A517 is a busy road the airfield has gone and also the small cottage opposite the listed building. This current situation (which has been so for 50+ years) gives the listed farmhouse a principal aspect over the proposed development land.

The HIA states that “any development proposal will have to be sensitive to conserving this rural immediate setting”. The mitigation that has been promulgated is “the retention of the south-east corner of the site, adjacent to the Belper Road/Mill Lane junction, that is separated from the main field by a number of trees and a shallow ditch” and that in “keeping this triangle of land open will also mean that Gate Farmhouse will continue to be viewed in the context of its rural surroundings when emerging from the junction of Mill Lane, and also upon the approach from the west when travelling along the A517 towards the town or when exiting the town to the west”. The HIA also states that in retaining the openness of this south-eastern corner of the site that it will “ensure also that a historic field pattern is preserved and will maintain an important attribute of local landscape character”. In regard to this ‘design principle’, the HIA summarises that “subject to the retention of the triangle of land opposite Gate Farmhouse as greenspace, and an attractive form of development being delivered along the south eastern boundary of the field beyond, the site can be developed in a manner which conserves the character and significance of the listed farmhouse”.

The HIA concludes that “Gate Farmhouse is a characterful example of a Derbyshire farm building from the 18th century. It is Grade II listed for its special architectural or historic interest” and that it “makes a positive contribution to the Belper Road gateway into Ashbourne”. The HIA states that “careful development of the proposed site opposite would not impact negatively on the current view from the road” and that “the proposed residential

development land has never been fully integrated with Gate Farmhouse having been separated by the 1764 turnpike (now A517). It has not always been isolated as previously there was another property immediately opposite for over a hundred years until around the mid-twentieth century". In relation to Gate Farm, the HIA concludes "that the careful construction of residential dwellings, as proposed, will not materially harm the significance of Gate Farmhouse".

The HIA's conclusion that "an appropriate form of development on this site will not materially harm the significance of Gate Farm" is considered to be incorrect as the NPPF states that the setting of a designated heritage asset can contribute to its significance and that the setting of a heritage asset is the surroundings in which a heritage asset is experienced. For many reasons the land immediately south of Gate Farm has remained open and in agricultural use. This has been the case since the listing of Gate Farm in 1974 and it contributes to the significance of the designated heritage asset. The HIA does not specifically conclude that the proposed development (however, carefully designed/constructed etc.) will not materially harm the setting of Gate Farm. As stated above, whilst for a long time a small cottage occupied a site immediately opposite the farm this disappeared over 50 years ago and the site must, therefore, be considered in its present day terms. It is considered important that the land opposite the listed farm has remained open agricultural land as this reinforces the semi-rural context of the listed building and contributes to its setting & significance and allows, as the HIA acknowledges, that it is 'appreciated and understood by virtue of being within a semi-rural setting'.

Whilst it is acknowledged that the suggested development layout is only indicative (and for which approval is not being sought) it does depict a probable layout (based on the proposed access point) and density for a development of up to 30 No. dwelling houses. It is assumed that the proposed dwellings will be two-storey with dual pitched roofs over. The indicative layout depicts houses commencing at the southern end of the site (at the entrance point). This is the highest part of the site and it is considered likely, therefore, that housing, of the scale, form and density proposed would present an intensive and visible incursion from the aspect of Gate Farm. It is opined that the incursion of intensive development in this area, and beyond, is likely to be harmful to the setting & significance of Gate Farm.

The indicative scheme and 'design principles' includes for some of the land to be undeveloped in order to include a "retained green space in south/east corner to maintain rural setting for listed farmhouse". Whilst this may be the case, the proposed intensive development of the remaining site area will introduce a building mass and presence that will have a potentially harmful impact on the setting & significance of Gate Farm. The 1990 Act imposes a general duty on local planning authorities that in considering whether to grant planning permission for development which affects a listed building or its setting, the authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

It is considered that based on the proposed density and type of development on this land that it will affect the setting of the listed farm. Such a development will not preserve the setting of the listed farm and in that regard there is a finding of harm. Whilst such impact may not be deemed substantial harm, it is likely that the proposal would lead to less than substantial harm. In this regard, the advice is clear, and the NPPF directs that a development proposal

that will lead to less than substantial harm should be weighed against the public benefits of the proposal.”

DDDC Environmental Health

5.8 No objection subject to planning condition to control hours of construction works.

DDDC Rural Housing Enabler

5.9 I note that the Design and Access statement para. 5.7 states the exact provision of the proposed 9 affordable homes will be agreed with the Council's Housing Team. As is usual practice it would be good to agree the mix and have this approved via a condition to ensure the scheme delivered for the needs appropriate at the time.

I would suggest the following mix;

6 x 2 bed 4 person houses and
3 x 3 bed 5 person houses.

I would emphasise the need to ensure the properties meet the nationally described Space Standards, so for a 2 bed 4 person house the standard is 79m² and for a 3 bed 5 person house the standard is 93m²

DDDC Trees and Landscape Officer

5.10 The proposals represent extension of the built up area of Ashbourne town into currently undeveloped open agricultural countryside. Due to the location of the site being adjacent to one of the main roads into town, any development here would be visible to road users and therefore has the potential to change the current experience of approaching the town.

I recommend that a full Landscape and Visual Impact Assessment be submitted for approval to allow the LPA to be fully informed.

I recommend that the development's layout, density, building scale and design should reflect this edge of settlement location and nature of existing built form in the landscape around the site. I am not convinced that the submitted proposed site plan achieves this.

Impact to trees

The submitted Tree Constraints Survey identifies a number of trees and hedgerows located around the periphery of the site and none within other parts of the site.

It is my view that all existing trees and hedgerows should be retained, appropriately protected during development works and incorporated into the site layout design to allow their long term successful retention. This is because trees provide many diverse benefits to people, landscape, wildlife and biodiversity.

The only exception to this should be those trees identified as being unsuitable for retention within their new land use because of structural issues causing unacceptable level of risk of harm to people or damage to property.

I recommend that an Arboricultural Impact Assessment to include a tree protection plan be prepared to the guidelines of BS5837:2012 be required to be submitted for approval once a proposed final site layout design has been worked up.

I recommend that if any development works or site activity would be required within the root protection areas of retained trees or hedgerows then an Arboricultural Method Statement should be submitted for approval to discharge a condition to any grant of planning consent.

DCC Archaeologist

- 5.11 The PDA (proposed development area) borders Mill Lane to the north, the line of which almost certainly has medieval origins providing access from the medieval site at Sturston, a scheduled ancient monument 840m to the north-east and Nether Sturston, an early medieval hamlet recorded in the Domesday survey of 1080, adjacent to the PDA, and then on to Ashbourne.

I have had sight of the geophysical survey report and this seems, to me, to demonstrate the possibility of the presence of archaeological features, possibly representing a pre-turnpike holloway from the higher ground to the south towards Mill Lane which connects the medieval site at Sturston, a scheduled ancient monument 840m to the north-east, and Nether Sturston, an early medieval hamlet recorded in the Domesday survey of 1080, adjacent to the PDA.

The geophysical survey now requires truth testing and this should be achieved through a programme of archaeological trial trenching in the first instance followed by appropriate archaeological mitigation, should said be necessary. These works could be secured, should you be minded, by attaching a suitably worded condition to planning consent.

Any WSI (written scheme of investigation) for archaeological works and the works themselves should be undertaken by a professional archaeological contractor in line with a WSI that has been compiled in consultation with this office.

DCC Landscape

- 5.12 This looks like an edge of settlement location that would benefit from some landscape and visual impact advice.

DCC Policy

- 5.13 Verbal comments have been received from Councillor Simon Spencer expressing his severe reservations concerning this application with specific regard to significant highway safety issues, especially given this outline application is seeking approval for access. Councillor Spencer also expressed his concerns about this proposed development as the site lies outside the settlement boundary for Ashbourne, is not allocated for development within the adopted Derbyshire Dales District Local Plan and would form an incursion into open

countryside.

Local Planning Authorities should attach advisory notes to planning permissions to request that developers work with broadband providers to ensure NGA broadband services are incorporated as part of the design of new development. However, if it can be shown that this would not be possible, practical or economically viable, in such circumstances, suitable ducting should be provided within the site and to the property to facilitate future installation.

Adult Social Care and Health (ASCH) request that affordable provision extends to some of the larger family-size dwellings, as this is key to ensuring the sustainability of the domiciliary and residential care workforce. ASCH also request that dwellings meet Lifetime Homes or M4(2) standards to encourage downsizing in older age and independent living for all ability and mobility levels.

According to the County Council's records the application site lies less than 250m from the former Gate Farm inert landfill (licence number LA06). Therefore, in accordance with the Building Regulations, an assessment of ground gas risk should be performed. If any significant risks are identified protective measures should be incorporated into the building design. The details of the site investigation, risk assessment and any protective measures should be agreed with the Local Authority contaminated land officer.

DCC Rights of Way

- 5.14 I can confirm that Ashbourne Public Footpath No. 13 runs inside the Northern boundary of the site. The legal alignment of this path, as it is on the Definitive Map, is shown on the attached plan. In addition, an unnumbered path runs almost alongside the legal line of footpath no. 13, closer to the boundary, and it is this path that appears to be the used route. Both the legal line and the used route must be protected. I should be grateful if you could provide advisories for the applicant.

DCC Sustainable Travel Team

- 5.15 There are bus services on Belper Road with a 2 hourly service to Belper and 2 hourly service to Derby from approximately 0630-1830 Monday to Saturday. So between them provide an hourly service into Ashbourne town centre. The problem is there are not any bus stops in the area adjacent to this new development so we will need funding to put in hard standing, raised kerbs and ideally shelters for two new stops, one either side of the road.

DCC Tree Officer

- 5.16 The Tree Report submitted with the application clearly identifies the trees on the site boundary. Unfortunately it is not accompanied by any form of Arboricultural Impact Assessment or Arboricultural Method Statement. These two documents would outline the trees requiring removal or pruning to accommodate the development and the actions that will be taken to protect growing trees, including Root Protection Areas, during development; and to replace any trees felled as a result of the development.

Peak & Northern Footpaths Society

5.17 No objection provided that the full width of Ashbourne Footpath 13 remains unobstructed, that its surface is improved to cope with the increased use from the new residents, and that the path runs through green space as on the layout plan.

Derbyshire Dales Ramblers

5.18 No objection provided that:

- i. Ashbourne FP 13 remains unaffected at all times, including the path surface, both during and after any development
- ii. The green space landscaping around the FP is welcome
- iii. Any change to the FP surface should be approved

6.0 REPRESENTATIONS RECEIVED

6.1 Three letters of objection have been received to date. The material planning reasons are summarised below:

- a) Development would harm the residential amenity of neighbouring properties.
- b) The Council should consider implications re the Human Rights Act, in particular protocol 1, Article 1 which states that a person has the right to peaceful enjoyment of all their possessions which includes the home and other land.
- c) Proposed access is via the busy, narrow A517 just after a blind bend coming from the Ashbourne direction which is further unsighted by trees overhanging the road in spring / summer. Drivers regularly exceed the speed limit and numerous accidents have been witnessed outside and near the proposed site. This would become more dangerous with increase vehicular access from a housing development of around 30 dwellings.
- d) Two accidents have occurred exactly where the proposed access is to be built. One of these has resulted in serious injury. This demonstrates a particular hazard. There are a total of 7 accidents recorded in the locality including one fatality.
- e) The land slopes and therefore development would require significant extraction works that could have a serious adverse impact upon the stability of the ecological environment and give concerns about drainage, landscaping, noise, pollution and disturbance of wildlife.
- f) This site is beyond the boundary of Ashbourne for the purposes of the Local Plan and the site is not allocated for housing.
- g) The local plan references development of housing close to the Ashbourne airfield but makes no references to satellite housing projects in the agricultural belt around Ashbourne.
- h) The application is contrary to local and national planning policy.
- i) The development would compromise highway safety with a high probability of road traffic accidents.
- j) The development would harm the privacy of neighbouring properties and the addition of trees will affect enjoyment of daylight.
- k) The site serves as a habitat for abundance of wildlife, e.g. birds, bats, rabbits, hedgehogs, foxes and moles.
- l) By reason of its size, depth, width, height and massing the development would have an unacceptably adverse impact on the amenities of the properties immediately adjacent to the site and the surrounding area by reason of overlooking, loss of privacy and visually overbearing impact.
- m) The site is very close to a large electrical sub-station with associated noise and maintenance traffic from contractors that work at the substation.
- n) The development would be likely to have a detrimental impact upon the appearance of Ashbourne and countryside coming to the town on the A517 from Belper and effectively extend the boundary of the town to the east.

- o) A high density of dwellings that would significantly alter the fabric of the area and amount to serious 'cramming' in what is a low density area. It would undermine the character and amenities of the established residential areas.
- p) The development would create, noise, dust, traffic and infrastructure disruption (utility supplies) whilst being built and ongoing. There is no mains sewage and limited water supply at this location so to provide this amenity to the estate would be troublesome to nearby residents on Belper Road with possible temporary outages.
- q) The development will create serious road hazards and dangers on the A517 whilst being built.
- r) Access from Mill Lane, adjacent to the proposed development, has extremely challenging exit and entry from the A517 as it is the top of a steep incline. The building of a new access road from the field would be similarly challenging and equally, if not more, dangerous.
- s) The plans strongly suggest inadequate parking and access especially given the increasing tendency for households to have more than one vehicle and possibly work vans. The proposed development does not provide sufficient parking space to meet these requirements.
- t) Inaccuracies in submitted application and supporting documentation.
- u) Insufficient sample size used in submitted Transport Statement to be relied upon as meaningful or accurate.
- v) Potential adverse health impacts upon residents living close to the existing substation due to electromagnetic fields.

7.0 OFFICER APPRAISAL

- 7.1 This application seeks outline permission for up to 30 dwellings on the site, with all matters other than access reserved.
- 7.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission under the Act 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 (NPPF) is a material consideration in respect of this application.
- 7.3 The Council is unable to demonstrate a 5 year housing land supply at this time. Paragraph 11 of the NPPF says that in these circumstances the Local Planning Authority should grant planning permission for sustainable development unless:
- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 7.4 As part of the consideration of future housing needs and the Council's aspirations for growth and economic recovery, a call for sites as part of the Strategic Housing Land Availability Assessment process was undertaken between 26th May and 7th July 2021. The application site was put forward as part of this exercise. The assessment of the site, in terms of its deliverability is considered later in this report.
- 7.5 Having regard to the above, consultation responses and representations received and the relevant provisions of the development plan and the National Planning Policy Framework, the main issues to assess are:
- Whether residential development on this site is acceptable in principle
 - Landscape impact and impact upon the character and appearance of the area
 - Impact on cultural heritage

- Transport and Impact on highway safety
- Impact upon the amenity of neighbouring properties
- Sustainable building and climate change
- Flood risk and drainage
- Impact on trees and biodiversity
- Affordable housing, housing mix and developer contributions

Principle

- 7.6 The application site is not allocated for housing in the local plan and is located outside but on the edge of Ashbourne. Policy S2 directs development to the most sustainable locations to reduce the need to travel and promote sustainable communities based on the services and facilities available in each settlement. Ashbourne is a first tier settlement and therefore a primary focus for growth and development providing significant levels of jobs and homes.
- 7.7 Outside of defined settlement boundaries and allocated sites policy S4 seeks to ensure that new development protects and, where possible, enhances the character and distinctiveness of the landscape, the historic and cultural environment and the setting of the Peak District National Park whilst also facilitating sustainable rural community needs, tourism and economic development.
- 7.8 The Council is unable to demonstrate a 5 year housing land supply at this time. In these circumstances policy S4 i) allows for residential development on non-allocated sites on the edge of defined settlement boundaries of first, second and third tier settlements.
- 7.9 The application site is located on the end of the limb of residential development which extends eastwards largely on the north side of Belper Road from the town centre. The application site is located between the existing residential development and the junction between Belper Road and Mill Lane which leads to the group of residential properties and farms at Sturston. The access to the site would be approximately 1.5km from the town centre and 300m to the nearest bus stop on Belper Road.
- 7.10 Therefore, in principle, residential development of this site would be in accordance with policies S2 and S4 i) of the Adopted Derbyshire Dales Local Plan (2017). The main issues are the impact of the development, whether the development would meet policy requirements for affordable housing, housing mix and developer contributions and the planning balance taking into account the provisions of paragraph 11 of the NPPF.

Landscape impact and impact upon the character and appearance of the area

- 7.11 Policy S1 of the Adopted Derbyshire Dales Local Plan (2017) 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.
- 7.12 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.
- 7.13 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.

- 7.14 Policy PD1 goes on to say 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.
- 7.15 The application site comprises an irregular-shaped field, with the topography rising steeply towards the south western edge. The field boundaries are mostly mature hedges with scattered trees and post and wire / rail fencing. There are three neighbouring residential properties adjacent to the site to the west, north east and south. The northern boundary is to fields, the eastern boundary to Mill Lane and the southern boundary to Belper Road.
- 7.16 The land to the north of Belper Road, including the application site, is located within the Derbyshire Peak Fringe and Lower Derwent Landscape Character Area (LCA) and within the Wooded Slopes and Valleys Landscape Character Type (LCT).
- 7.17 This is a landscape of small pastoral fields on undulating, rising ground. Woodlands on steeper slopes, along with hedgerow and watercourse trees contribute to a strongly wooded character. This LCT is characterised by upland ground rising to moorland, moderate to steep slopes, poorly training soils over bands of mudstone and sandstone, permanent pasture, densely scattered small to medium ancient woodlands and secondary woodlands on steeper slopes and along streams, scattered hedgerow trees, irregular field pattern, winding lanes and dispersed sandstone farmsteads with stone slate roofs.
- 7.18 The application is supported by a Landscape Sensitivity Assessment (LSA). The LSA identifies the relevant LCA and LCT, examines the value of the landscape and the impact of the proposed development.
- 7.19 The LSA identifies that the site also exhibits characteristics of the adjacent Needwood & South Derbyshire Claylands Landscape LCA and the Settled Farmlands LCT. This LCT is characterised by gently undulating to rolling lowland dissected by minor stream valleys with localised steep slopes, seasonally waterlogged soils over permo-triassic mudstone, siltstone and sandstone, dairy farming on permanent pasture with localised arable cropping, small woodland blocks and copses associated with steeper slopes, scattered oak and ash trees along hedgerows, dense lines of trees along streams, small to medium size, semi-regular and strip fields enclosed by hedgerows, extensive ridge and furrow, network of winding lanes often sunken on steeper slopes and small clusters of red brick and Staffordshire blue clay tile farms and cottages.
- 7.20 The site was assessed as part of the Council's Strategic Housing and Employment Land Availability Assessment (SHELAA). The draft version (2022) assessed the development of the site to have moderate impact on landscape sensitivity.
- 7.21 The landscape comments within the draft version state: "Single pastoral field on the extreme eastern edge of Ashbourne immediately adjacent to the A517, Belper Road. The land is located within an area of wider sensitivity (AMES) and is opposite a listed farmhouse, potentially forming part of the setting to that building. The site has a visually prominent frontage with Belper Road and a footpath runs against the northern boundary. The site is visible from the listed building opposite and there are more distant views from locations across the Henmore Valley, including residential properties along the B5035. Development of this site is likely to have some adverse effects of landscape character and visually extend development further into the countryside along the A517. The wider landscape has some sensitivity as defined in the (Areas of Multiple Environmental Sensitivity) AMES study and

the site needs to be carefully considered as part of the setting to the listed farmhouse located opposite.”

- 7.22 The submitted LSA provides an assessment of the sensitivity of this landscape. The LSA recognises the AMES and states that the land along the A517 corridor, including the application site is considered to be of secondary sensitivity, described as being sensitive to change but capable of being enhanced by development or new green infrastructure provision. The LSA also takes into account the Council’s Landscape Sensitivity Study (2015) which regards nearly all the land around Ashbourne as of high sensitivity to housing development (with some exceptions including the former airfield). The landscape to the east of the town where the application site is located is categorised as high sensitivity because of its visual prominence, its heritage or ecological assets and its location outside of the settlement pattern lying within two larges of green infrastructure extending into the town.
- 7.23 The submitted LSA states that: “The site is visually well contained to the east, south and west by a combination of topography, vegetation and nearby buildings and other structures. From the east the site does not come into view when travelling along the A517 Belper Road until a little before the Mill Lane turn. Dense roadside hedgerows and trees significantly limit views into the site. When it does come into view the site gradually opens up from views of the high ground along its southern boundary to its lower lying northern extents. The southern boundary is viewed in combination with the two large detached properties on high ground adjacent to the site (Woodend No. 89 Belper Road and Lark Rise No. 91 Belper Road) that currently form the limit to built development along the town’s eastern edge. The land continues to rise more steeply to the south of the site emphasised by hedgerow field boundaries rising to Bradley Wood and linear groups of trees on the horizon.”
- 7.24 The submitted LSA concludes that following assessment the application site falls within the definition of low sensitivity in the 2015 Landscape Sensitivity Study which is land with low susceptibility to change and / or which is of low value e.g. land within the settlement pattern, with low visual prominence and with no or very limited heritage or ecological assets. The LSA concludes that the site has medium / low sensitivity to a high quality, sensitively designed housing development.
- 7.25 The County Landscape Architect has commented on this planning application recommending that advice is sought on landscape and visual impact. Officers have sought independent landscape advice from Derbyshire Landscape and Placemaking on the landscape impact of the application and the submitted LSA.
- 7.26 Derbyshire Landscape and Placemaking have provided comments and broadly agree with the submitted LSA in terms of the identification or relevant LCA and LCT. The comments also broadly agree with the description of local views of the site from the west, south and east in the LSA but consider that 89 Belper Road, 91 Lark Rise and Gate Farm appear as isolated properties rather than the urban edge of Ashbourne. From the north the comments do not agree with the LSA and consider that views are of greater significance than suggested. There are several public rights of way on the northern slopes of Henmore Brook with views towards the site.
- 7.27 The comments from Derbyshire Landscape and Placemaking conclude that the landscape sensitivity level is greater than concluded by the submitted LSA. The development raises concerns in regards to the impacts on the approach to Ashbourne and the expansion of ribbon development. The development would extend the built edge of Ashbourne into an area where development consists of sporadic isolated properties including the Grade II listed Gate Farm. The site currently provides separation between the edge of Ashbourne and the buildings at Sturston and the development has the potential to create visual coalescence with this group of buildings extending the existing finger of development further east along Belper Road, particularly when viewed from the north.

- 7.28 The submitted LSA concludes that the development would have a medium / low sensitivity. However, having had regard to the County and District Landscape Character Assessments, landscape sensitivity study, the draft SHELAA and the advice from Derbyshire Landscape and Placemaking Officers are concerned that this is an underestimation of the landscape sensitivity of the site.
- 7.29 The site is relatively well contained in the wider landscape where viewed from the east, south and north by existing topography and mature tree and hedge screening. The site is however more open to view from across the valley to the north where the application site is viewed as an agricultural field on the edge of the residential development which projects eastwards from the town centre. From these viewpoints the site is a visual gap between residential development, the sporadic groups of houses around the site, including Gate Farm and the buildings at Sturston.
- 7.30 From closer vantage points the site forms an integral part of the surrounding landscape and the setting of Gate Farm and the group of properties at Sturston. From these vantage points the site is not read as adjacent to the built edge of Ashbourne, separated by mature trees and topography. In terms of character and appearance the site is more closely related to the surrounding agricultural landscape, farms and residential properties than the residential estates to the west. Therefore the erection of up to 30 dwellings on this site would represent a significant change in character and create what would be read as an isolated group of housing visually poorly related to the built edge of Ashbourne.
- 7.31 The submitted LSA states that the landscape and visual amenity of the site primarily stems from the location of Gate Farm (Grade II listed) on the south side of Belper Road and adjacent to the site. This assessment is not considered to be accurate as the field does make a positive contribution in its own right to the character of the area and provides an important visual separation between the built edge of Ashbourne and the properties at Sturston. The LSA also concludes that the setting of Gate Farm is compromised by Belper Road and that Gate farm “is listed for the special architectural interest of its built form and materials with no reference in Historic England’s official listing to its setting or views”.
- 7.32 The assessment of the LSA underestimates the significance and sensitivity of the site in the landscape and the setting of Gate Farm. It is considered that the development would result in an adverse visual impact upon the character and appearance of the site and its surroundings. The development would undermine the physical separation between the edge of Ashbourne and Sturston. The proposed residential development would result in a significant change in character and an adverse impact upon landscape character.
- 7.33 The development would therefore not preserve or enhance the character, appearance and local distinctiveness of the landscape contrary to policies S1, S4 and PD5. This impact must be taken into account and weighed in the planning balance.

Impact on cultural heritage

- 7.34 The site (and agricultural field) lies on the northern side and abuts Belper Road (and 18th century turnpike road – c.1764). On the immediate southern side of Belper Road, opposite the site is Gate Farm an 18th century farmhouse and attached farm buildings (grade II listed, 1974). The site slopes down from Belper Road towards Sturston Cottage, a mid-19th century cottage (located at the north-eastern corner of the site outside of the proposed development area).
- 7.35 Policies PD2 and AH1 are relevant and states that the 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 will be given to heritage assets including (amongst other things) listed buildings, archaeological sites or heritage features and non-designated heritage assets.

- 7.36 Gate Farm is a Grade II listed building and therefore a designated heritage asset of national significance. The Local Planning Authority is obliged to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.
- 7.37 A Heritage Impact Assessment (HIA) has been submitted with the application. As the application is in outline only (with approval being sought for the access) the HIA presents a series of 'design principles' to protect the significance of nearby heritage assets. The application proposes to retain a green space in the south east corner. The HIA acknowledges the listed farmhouse "is, at least to some extent, appreciated and understood by virtue of being a semi-rural setting" and notes that this setting has been tempered, to a degree, by the busy A517, the (former) airfield to the north and the small cottage opposite the listed farmhouse at the northern edge of the site.
- 7.38 However, the development and potential impacts upon heritage assets must be considered as it is today, and whilst the A517 is a busy road the airfield and the demolished cottage opposite the listed building are now gone. This current situation (which has been the case for over 50 years) gives the listed farmhouse a principal aspect over the application site.
- 7.39 The HIA states that "any development proposal will have to be sensitive to conserving this rural immediate setting". The mitigation that has proposed is "the retention of the south-east corner of the site, adjacent to the Belper Road/Mill Lane junction, that is separated from the main field by a number of trees and a shallow ditch" and that in "keeping this triangle of land open will also mean that Gate Farmhouse will continue to be viewed in the context of its rural surroundings when emerging from the junction of Mill Lane, and also upon the approach from the west when travelling along the A517 towards the town or when exiting the town to the west".
- 7.40 The HIA also states that in retaining the openness of this south-eastern corner of the site that it will "ensure also that a historic field pattern is preserved and will maintain an important attribute of local landscape character". In regard to this 'design principle', the HIA summarises that "subject to the retention of the triangle of land opposite Gate Farmhouse as greenspace, and an attractive form of development being delivered along the south eastern boundary of the field beyond, the site can be developed in a manner which conserves the character and significance of the listed farmhouse".
- 7.41 The HIA concludes that "Gate Farmhouse is a characterful example of a Derbyshire farm building from the 18th century. It is Grade II listed for its special architectural or historic interest" and that it "makes a positive contribution to the Belper Road gateway into Ashbourne". The HIA states that "careful development of the proposed site opposite would not impact negatively on the current view from the road" and that "the proposed residential development land has never been fully integrated with Gate Farmhouse having been separated by the 1764 turnpike (now A517). It has not always been isolated as previously there was another property immediately opposite for over a hundred years until around the mid-twentieth century". In relation to Gate Farm, the HIA concludes "that the careful construction of residential dwellings, as proposed, will not materially harm the significance of Gate Farmhouse".
- 7.42 The conclusion of the HIA that the development will not materially harm the significance of Gate Farm is not correct as the NPPF states that the setting of a designated heritage asset can contribute to its significance and that the setting of a heritage asset is the surroundings in which a heritage asset is experienced. The Local Planning Authority has a duty to have

special regard to the desirability of preserving the building or its setting. For many reasons the land immediately south of Gate Farm has remained open and in agricultural use. This has been the case since Gate Farm was listed in 1974 and the application site therefore positively contributes to the significance of the designated heritage asset.

- 7.43 The HIA does not specifically conclude that the proposed development (however, carefully designed/constructed etc.) will not materially harm the setting of Gate Farm. The planning application is outline with all matters other than access reserved and therefore it is not possible to assess the design, layout of the development at this time. It is considered important that the land opposite the listed farm has remained open agricultural land as this reinforces the semi-rural context of the listed building and contributes to its setting & significance and allows, as the HIA acknowledges, that it is “appreciated and understood by virtue of being within a semi-rural setting”.
- 7.44 Whilst it is acknowledged that the suggested development layout is only indicative (and for which approval is not being sought) it does depict a probable layout (based on the proposed access point) and density for a development of up to 30 dwellings. It is assumed that the proposed dwellings will be two-storey with dual pitched roofs over. The indicative layout depicts houses commencing at the southern end of the site (at the entrance point). This is the highest part of the site and it is therefore likely that housing of the scale, form and density proposed would prominent and visually intrusive when viewed from Gate Farm.
- 7.45 The application site forms an integral part of the semi-rural setting associated with the listed farm. The development of the site for up to 30 dwellings would result in a significant visual change. The scheme proposes to retain some of the site undeveloped to mitigate the impact upon Gate Farm by retaining a green space. This would retain a sliver of green space immediately to the front of Gate Farm, however, the character of the field and setting of the listed building would nevertheless remain significantly affected. The retention of the proposed undeveloped land would therefore not satisfactorily mitigate the impact upon the listed building.
- 7.46 The proposed development will affect the setting of Gate Farm (Grade II listed). The development will not preserve or conserve the setting of the listed building. The development would result in a significant change in character and impact which will result in harm to the setting of the listed building.
- 7.47 The harm identified would not result in substantial or total loss of the listed building. Therefore in accordance with paragraph 202 of the NPPF the harm should be weighed against the public benefits of the proposal. It should be noted that the listed building is a protected asset for the purpose of paragraph 11 d) of the NPPF. Therefore, if the impact of the development upon the setting of the listed building provides a clear reason for refusing the development then the presumption in favour of sustainable development set out in paragraph 11 of the NPPF does not apply.
- 7.48 The development would not conserve the significance of the Gate Farm contrary to policies PD2 and AH1. This impact must be taken into account and weighed in the planning balance bearing in mind the statutory duty to have special regard to the desirability of preserving the listed building and its setting.
- 7.49 The County Archaeologist advises that the PDA (proposed development area) borders Mill Lane, the line of which almost certainly has medieval origins providing access from the medieval site at Sturston, a scheduled ancient monument 840m to the north-east and Nether Sturston, an early medieval hamlet recorded in the Domesday survey of 1080, adjacent to the PDA, and then on to Ashbourne.

- 7.50 A geophysical survey report has been submitted with the application. The County Archaeologist advises that this demonstrates the presence of archaeological features on the site, possibly representing a pre-turnpike Holloway from the higher ground to the south towards Mill Lane which connects the medieval site at Sturston. The results of the survey need to be tested through a programme of archaeological trial trenching followed by appropriate mitigation, if necessary.
- 7.51 The application is supported by an archaeological assessment and this is sufficient for implications to be understood in accordance with policy PD2 and the NPPF. If planning permission is granted a pre-commencement planning condition would be reasonable and necessary to ensure that the development is carried out in accordance with an approved Written Scheme of Investigation (WSI) to mitigate impacts upon and record archaeology, as appropriate.

Transport and Impact on Highway Safety

- 7.52 Policies S1, S4 r) and HC19 require development proposals to demonstrate that they can be safely accessed in a sustainable manner. Proposals should minimise the need to travel, particularly by unsustainable modes of transport and help deliver the priorities of the Derbyshire Local Transport Plan.
- 7.53 The application is supported by a Transport Statement (TS) which concludes that site is located approximately 1.5 kilometres east of Ashbourne Town Centre and has several options to travel by non-car sustainable modes. This includes a bus stop within 300 metres of the site that provides access to Derby and Belper. The TS states that there has only been 1 recorded accident within the most recent 5 year period. The accident was classified as slight and involved one vehicle and two casualties. The TS therefore concludes that there is no evidence of ongoing highway safety issues.
- 7.54 The TS states that the development could generate up to 162 daily two-way vehicle movements, with up to 18 two-way movements during the busier morning peak period. This would result, on average, in an additional vehicle movement every three minutes in either direction during this period. This level of additional traffic is considered to be negligible and would not result in a severe impact upon the road network.
- 7.55 Access is not reserved and therefore must be assessed as part of this application. The proposed access demonstrates a 5.5m carriageway can be achieved with the required visibility splays based on the recorded vehicle speeds along Belper Road. The TS therefore concludes that the proposed access provides the required dimensions and levels of visibility to ensure a safe and suitable access can be achieved.
- 7.56 The Highway Authority have been consulted and have provided comments on the submitted application, TS and representations raising issues in relation to highway safety. The section of highway fronting the site is not considered to be of concern in terms of accident trends. The latest data show no significant correlations in the timing, location, frequency or circumstances of the personal injury collision data within 100m of the application site within the latest 5 year period. There is only one personal injury collision within the past 5 years which occurred in 2018.
- 7.57 Furthermore, the application demonstrates that the speed of traffic travelling eastbound on the A517 that visibility of 59m should be provided at the proposed access to the west. The Highway Officer has visited the site and assesses that a visibility distance of approximately 114m can be achieved to and from the crest of the hill. Overall the proposed access arrangement and its visibility in both directions is acceptable and could be secured by the imposition of appropriate planning conditions if permission were granted.

- 7.58 Having visited the site and had regard to the submitted TS, representations and consultation response from the Highway Officer, the application has demonstrated that safe access could be provided and that the development would not harm highway safety in accordance with policies S4 r) and HC19.
- 7.59 The site is located approximately 1.5km from the town centre and is connected by a pedestrian footway along Belper Road. Occupants of the proposed development would therefore be within a 15 – 20 minute walk of the town centre. The development is also within 300m of a bus stop on the eastbound carriageway providing services to Belper and Derby. There are however no bus stops near or adjacent to the application site for services towards Ashbourne. The County Sustainable Travel Team advise that funding will be required to create additional bus stops.
- 7.60 Given the distance from the site to the town centre it is considered reasonable and necessary for the development to contribute to the provision of new bus infrastructure. This would ensure that the development is well related to public transport infrastructure so that occupants have the option of more sustainable transport modes and thereby minimising the need to travel by private car. If planning permission is granted a grampian planning condition could be imposed to require infrastructure to be completed, in accordance with an approved scheme before the first occupation of any part of the development. A planning condition to secure a travel plan would also be reasonable and necessary in accordance with policy HC19.
- 7.61 Therefore, subject to conditions the application does demonstrate that the development can be safely accessed in a sustainable manner in accordance with policies S1 and HC19.

Impact on amenity of neighbouring properties

- 7.62 The nearest neighbouring residential properties include Lark Rise 91 Belper Road to the west, Sturston Cottage to the east and Gate Farm (Grade II listed) to the south. The electricity substation on Mill Lane is located to the east of the site.
- 7.63 The development would result in the erection of up to 30 dwellings on site along with associated gardens, open space, roads noise, lighting and activity. The development therefore would result in a change to the outlook of neighbouring properties, particularly Gate Farm and Sturston Cottage which look directly onto the site. Nevertheless, the submitted indicative drawing shows that it would be possible to achieve a satisfactory relationship and separation distance from all neighbouring properties.
- 7.64 Therefore while the development would affect outlook the development would not materially harm the amenity, privacy or security of any neighbouring property due to overbearing, overlooking or loss of light. The concerns raised in regard to impact on outlook and views are understood, however, it is normal for residential properties to be sited close to each other provided that satisfactory privacy and amenity can be achieved. Impact upon private views are not a material planning consideration, nor are potential impacts upon property value.
- 7.65 The development would result in some impact in terms of noise and disturbance during construction. However, this is the case with any development and can be satisfactorily controlled subject to planning conditions to control hours of construction works, construction compound and parking and wheel cleaning facilities. The development would be sited in proximity to the existing substation, however, the nearest dwellings would be separated from it by the proposed undeveloped strip of land. There is no evidence to indicate that the substation could cause significant health issues to occupants and therefore this is not a reason that could be substantiated to refuse the application.

- 7.66 The concerns raised in regard to the Human Rights Act are noted. However, the application has demonstrated that the development could be accommodated on the site without any significant harm to the amenity of neighbouring properties.
- 7.67 Therefore, subject to conditions the application does demonstrate that the development can be accommodated on site without significant harm to the amenity of neighbouring properties or occupants of the development in accordance with policies S1 and PD1.

Sustainable building and climate change

- 7.68 The application seeks outline permission with all matters reserved other than access. Nevertheless, the impact of the development upon climate change fundamentally relates to the principle of the development and therefore should be assessed at this stage.
- 7.69 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.
- 7.70 The application is supported by a climate change statement (CCS). The statement concludes that the development is sustainable in relation to the town centre and promoting sustainable transport. The proposed dwellings would achieve the Future Homes Standard which will complement building regulations to ensure new homes built from 2025 will have significantly less carbon emissions than comes delivered under current regulations. The dwellings will all have solar panels and air source heat pumps.
- 7.71 Furthermore the CCS identifies that majority of existing trees will be retained and new planting will be carried out which will provide shade, reduce carbon emissions and act as part of a Sustainable Urban Drainage Scheme (SuDS) and reduce noise for occupants from the A517. Finally, electric vehicle charge points would be installed to each dwelling along with energy efficient lighting. Water usage would meet the requirements of building regulations.
- 7.72 Notwithstanding the concerns raised in regard to landscape and visual impact the site is sustainably located in terms of distance from the town centre and availability of public transport. The application also demonstrates that the development could be delivered in a manner that would reduce carbon emissions and energy consumption thereby mitigating the impacts of climate change in accordance with policies S1 and PD7.

Flood risk and drainage

- 7.73 The whole site is located within Flood Zone 1 which is described as land having a less than 1 in 1,000 annual probability of river or sea flooding. The site is therefore at low risk from flooding. The application is for major development and therefore a Flood Risk Assessment (FRA) has been submitted with the application.
- 7.74 Policies S1 and PD8 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. New development shall incorporate Sustainable Drainage Measures (SuDS) in accordance with national standards.

- 7.75 The FRA includes a drainage strategy. This strategy concludes that surface water would likely be able to be dealt with through infiltration (into the ground) using soakaways, infiltration basins or bio-retention systems (raingardens tree pits or swales). This would be the most appropriate means of dealing with surface water from the new impermeable areas created by the development and would potentially contribute positively to biodiversity. The indicative plan shows a swale along the northern boundary of the site.
- 7.76 The drainage strategy states that if infiltration is not possible then the next appropriate option, in accordance with national guidance, would be discharge of surface water to the watercourse located 10m to the north of the site. If direct access to the watercourse was not possible then connection to the Severn Trent surface water sewer crossing the site would be appropriate as this discharges to the same watercourse. If infiltration is not possible then attenuation storage will be required to ensure that surface water runoff from the site is no greater than the existing greenfield runoff (taking into account climate change).
- 7.77 Foul water would be to the main sewer which is acceptable and in accordance with Planning Practice Guidance. This would mitigate risk of pollution of the water environment in accordance with policy PD9.
- 7.78 The Environment Agency (EA) and Lead Local Flood Authority (LLFA) have been consulted. The EA raise no objection to the development. The LLFA have raised queries in regard to the submitted drainage strategy. The applicant has responded to these queries and provided an addendum to the FRA. The LLFA has been re-consulted on this basis but has not responded to date. Any response will be provided as a later representation.
- 7.79 The submitted FRA demonstrates that the development would be located within Flood Zone 1 an area of lowest flood risk. The development would be appropriately floor resistant and resilient. Any residual flood risk could be safely managed and safe access and escape routes would be available at all times. Foul water would be to the main sewer. The drainage strategy demonstrates that surface water would be dealt with appropriately by a SuDS scheme. Surface water would be dealt with in accordance with national planning guidance either by infiltration (into the ground) or to a surface water body.
- 7.80 Therefore, subject to conditions the application does demonstrate that the development can be accommodated on site in accordance with policies S1 and PD8.

Impact on trees and biodiversity

- 7.81 There are a number of trees and hedges on and adjacent to the site that could be affected by the development. Policies S1 and PD3 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.
- 7.82 The application is supported by a preliminary ecological appraisal (PEA), great crested newt eDNA report (GCN) bat activity survey report (BAS) and biodiversity net gain strategy (BNGS). A tree constraints survey (TCS) has also been submitted.
- 7.83 The TCS records 22 individual trees and 10 group features (9 of which are hedges). Most of the trees are early-mature. The most numerous species are sycamore, there is an attractive

large lime at the northern field boundary along with a nearby twin-stemmed elm. Other trees on site include hawthorns and low-quality goat willows. Boundary hedgerows are dominated by hawthorn with elder, elm, hornbeam, sycamore and privet present in limited areas.

- 7.84 None of the trees merit retention category A. Retention category B is assigned to lime tree 22 (which is at the upper end of category B) and sycamore 13. The remainder of trees on site fall within category C. The application demonstrates that the majority of the trees could be retained with the exception of sycamores 14 and 08 which are not structurally viable in the long term. A section of the hedgerow facing Belper Road would need to be removed to facilitate the creation of the access.
- 7.85 The Council's Tree and Landscape Officer recommends that all trees are retained within the development with the exception of the trees identified with structural issues. The application demonstrates that this can be achieved with sufficient space for protection measures during construction. If permission is granted planning conditions would be recommended to ensure the development is carried out in accordance with an Arboricultural Impact Assessment and Method Statement.
- 7.86 The submitted PEA states that there are no statutory sites within 2km of the application site. All sites are well removed and isolated from the development and therefore there would be no significant adverse impacts upon designated sites either directly or indirectly.
- 7.87 The application demonstrates that there are no features of high nature conservation value or designations at the application site. The PEA and BNG reports confirm the presence of hedgerows and some of these would qualify as Habitats of Principal Importance. The hedgerows are for the most part situated around the boundaries of the site. The majority of the site is assessed as modified grassland in fairly poor condition with a smaller area of modified grassland in good condition. Modified grassland is typically species poor and not generally considered to be of nature conservation significance.
- 7.88 Potential impacts on protected species are assessed within the PEA and the GCN. Overall impacts on protected species are likely to be fairly limited, but some measures will be required to ensure that protected species are not adversely affected. Four sycamore trees and one lime tree were assessed as having moderate potential for supporting roosting bats. Additional bat survey has been carried out to assess the suitability of the two trees to be removed for bats. On the basis of the submitted report bats will not be adversely affected.
- 7.89 Having regard to the advice from Derbyshire Wildlife Trust (DWT) the application has demonstrated that, subject to planning conditions to secure avoidance measures and a Construction and Environment Management Plan (CEMP) it can be carried out in a manner that will not harm designated sites or protected species in accordance with policies S1 and PD3.
- 7.90 The BNG report concludes that the development will deliver a net gain for habitats and hedgerows on-site of 30% for habitats and almost 19% for hedgerows. The report together with the indicative plan demonstrates that this is feasible in principle. DWT raise no objection to these but recommend additional measures in regard to swifts and the provision of integral boxes into the development. Planning conditions are necessary, if permission is granted to secure mitigation and enhancement measures as part of a Construction and Environment Management Plan (CEMP) and Biodiversity Enhancement Plan (BEP).
- 7.91 Therefore, subject to conditions the application does demonstrate that the development can be accommodated on site in accordance with policies S1 and PD3.

Affordable housing, housing mix and developer contributions

- 7.92 Policy S10 states that suitable arrangements will be put in place to improve infrastructure, services and community facilities, where necessary when considering new development, including providing for health and social care facilities, in particular supporting the proposals that help to deliver the Derbyshire Health and Wellbeing Strategy and other improvements to support local Clinical Commissioning Groups (CCG) and facilitating enhancements to the capacity of education, training and learning establishments throughout the Plan Area.
- 7.93 No health contribution has been sought by the CCG in this case, as the development falls below their threshold for seeking a contribution. The development will, however, result in the need for additional secondary and post 16 places to be provided. The Education Authority has stated that this would amount to £224,264.56 towards the provision of 8 secondary (and post 16) places at Queen Elizabeth's Grammar School via additional education facilities. If permission is granted it will be necessary to secure such a contribution through prior entry into a planning obligation to meet the demands deriving from the development.
- 7.94 In order to address the significant need for affordable housing across the Local Plan area, policy HC4 requires that all residential developments of 11 dwellings or more or with a combined floor space of more than 1000 square metres provide 30% of the net dwellings as affordable housing. The application proposes to meet this policy requirement by providing affordable housing on site. This is supported by the Council's Housing Team. Therefore, all 9 units of affordable housing would be delivered on site, of which 3 would be First Homes in accordance with national planning guidance. This is considered to constitute acceptable provision. If permission is granted a detailed scheme would need to be agreed and secured through prior entry into a planning obligation.
- 7.95 Policy HC11 prescribes a housing mix to meet the Council's housing needs and to create a sustainable, balanced and inclusive communities. Ashbourne Neighbourhood Plan policy HOU1 has a more specific policy for housing mix, referring to the Ashbourne Housing Needs Assessment. The application proposes that the dwellings will comprise 1, 2, 3 and 4 bedroomed dwellings. The application outline with detailed matters reserved. The application does demonstrate that it would be possible to achieve a suitable housing mix to meet the requirements of the Local Plan, Neighbourhood Plan and the Council's Housing Team. If permission is granted a planning condition to secure an appropriate housing mix would be necessary, with provisions to agree a different mix, where justified.
- 7.96 Policy HC14 requires new residential developments of 11 dwellings or more to provide or contribute towards public open space and sports facilities. The Adopted Supplementary Planning Document (SPD) on Developer Contributions dated February 2020 supersedes the table in policy HC14 as it is based on the updated study from January 2018. This 2018 study concluded that whilst the quantity and quality of open space and recreation facilities across the District are in most cases sufficient the following deficiencies were identified as likely to occur by 2033
- Parks and Gardens – 2.42ha
 - Natural and semi natural greenspaces – 16.16ha
 - Amenity greenspace – 2.54ha
 - Provision for children and young people – 0.13ha
 - Allotments – 0.45ha
- 7.97 The SPD sets out the provision per dwelling that is required to meet this identified deficiency and the proposal exceeds these requirements. For example, the SPD requirement based on 30 dwellings is 48.6m² for children's play provision. The SPD has a requirement for parks and gardens which would amount to 292.2m². In this rural location a natural green space would be appropriate than formal parks and gardens as they would reflect the character of the area and bring biodiversity benefits. Allotments would not be appropriate on this site,

therefore a contribution based on the requirement of 3.94m² per dwelling would equate to £1,773.

7.98 The application site includes a sufficient amount of land to deliver appropriate open space provision in accordance with the requirements of policy HC14 and the Developer Contributions SPD (2020) as part of any subsequent approval of reserved matters application. This provision can be secured by planning condition and a contribution for allotments can be secured by prior entry into a planning obligation.

7.99 Therefore, subject to condition and prior entry into a planning obligation to secure affordable housing provision and development contributions for education and allotments the application does demonstrate that the development is in accordance with policies S10, HC4, HC11 and HC14.

The Planning Balance

7.100 The Council is unable to demonstrate a 5 year housing land supply at this time. The development plan makes provision for new housing on the edge of tier 1 – 3 settlements in these circumstances. Paragraph 11 of the NPPF says that in these circumstances the Local Planning Authority should grant planning permission for sustainable development unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

7.101 Having regard to this, the consultation responses and representations received it is considered that the key issues are the impact of the development upon the landscape and character and appearance of the area and the impact upon the setting of Gate Farm a Grade II listed building.

7.102 The development would result in a significant visual change to the site and the development would appear visually as an isolated group of housing projecting into an area with a distinctive rural character. The development would extend the edge of Ashbourne in a manner that would undermine the undeveloped character between the edge of Ashbourne and the group of buildings at Sturston. The application site makes a positive contribution to the setting of Gate Farm and the development would significantly harm this open rural setting by introducing an urbanising form of development.

7.103 The harm to the setting of Gate Farm would be less than substantial and therefore in accordance with Paragraph 202 of the NPPF the harm must be weighed against public benefits. The development would deliver up to 30 dwellings on the site at a time where the Council is unable to demonstrate a 5 year housing land supply. The development therefore would make a positive contribution to housing delivery. Furthermore the development would deliver up to 9 affordable homes. The development would provide economic benefits during construction and occupation, however these benefits would not be exceptional and would be commensurate with any residential development.

7.104 The visual and landscape impact and the harm to the setting of the listed building would be significant. In determining this application the Local Planning Authority is obliged to have special regard to the desirability of preserving the listed building or its setting. In that context, it is considered that the harm identified to the listed building would not be outweighed by public benefits and therefore the tilted balance in favour of the development set out by paragraph 11 of the NPPF does not apply.

7.105 The application is therefore recommended for refusal.

8.0 RECOMMENDATION

That outline planning permission be refused for the following reasons:

1. The development would harm the setting of Gate Farm (Grade II listed) contrary to policies S1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017) and policy AH1 of the Adopted Ashbourne Neighbourhood Plan (2021). The public benefits arising from the development would not outweigh this harm and therefore the development is contrary to the National Planning Policy Framework (2021).
2. The development would have an adverse visual and landscape impact and harm the character and appearance of the area contrary to policies S1, S4, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

9.0 NOTES TO APPLICANT:

The Local Planning Authority has met and discussed the merits of the application with the applicant during the course of the application and has agreed extensions of time to facilitate the submission of additional information. There was no prospect of resolving the fundamental planning problems with the application through 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.

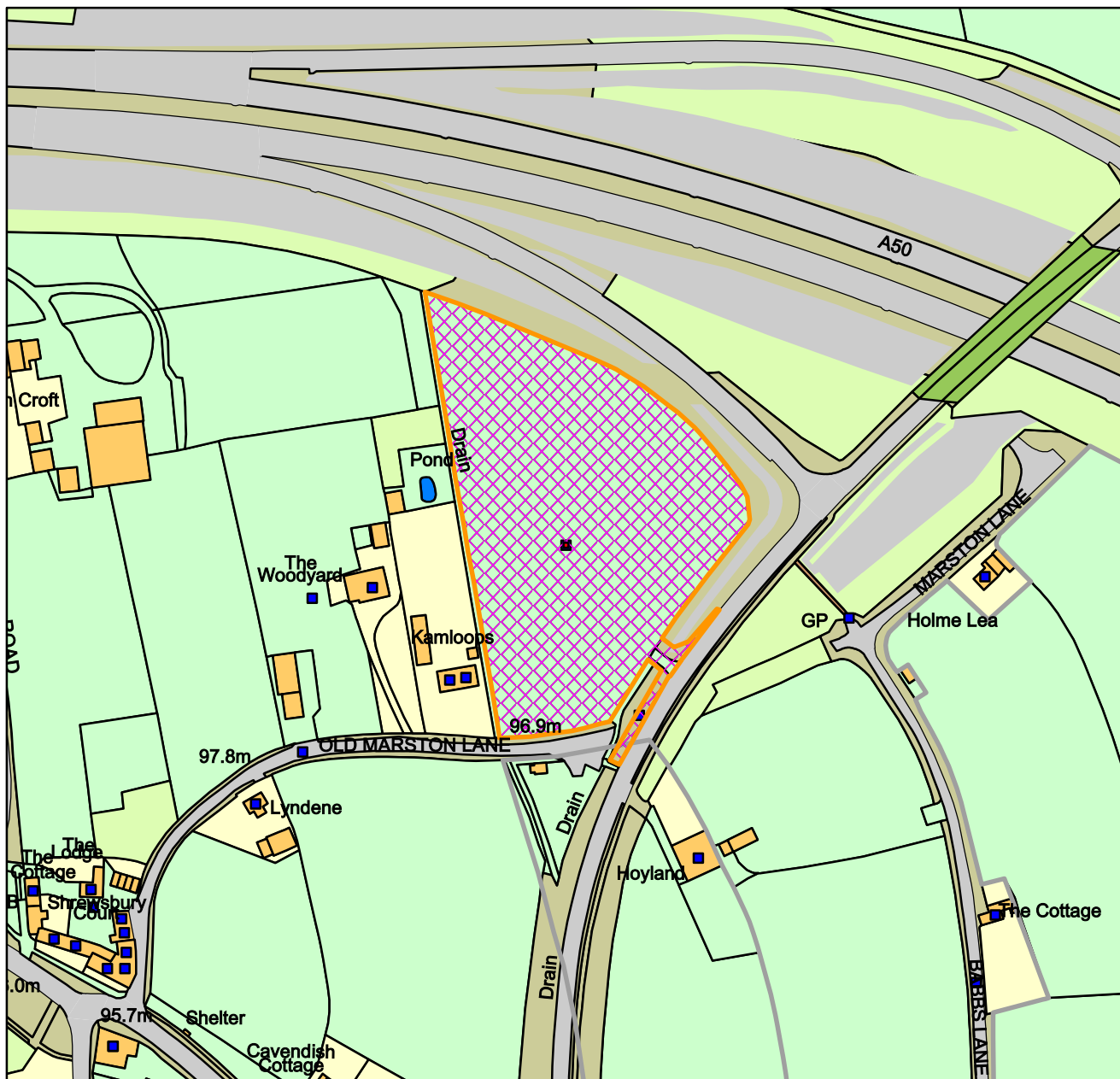
This permission relates solely to the application form and the following plans and documents:

Drawing 001 A – Site Location Plan
Drawing 002 A – Existing Site Plan
Drawing 009 – Indicative context plan
Drawing 010 B - Proposed Indicative Site Plan
Context Analysis and Masterplan Development
Planning, Design and Access Statement – Ref 2993_PDAS_V2
Climate Change Statement – Ref 2993_CCS_V1
Tree Constraints Survey – Ref JC/315/220621
Landscape Sensitivity Assessment – Ref AB/2021/75
Heritage Impact Assessment – Ref 2993_HIA_V2
Archaeological Desk-based Assessment – Ref YA/2022/069
Geophysical Survey Report - Ref MSSK1435
Preliminary Ecological Appraisal
Biodiversity Net Gain Strategy – Ref P2344_01
Great Crested Newt eDNA Report – Ref P2334_01
Bat Activity Survey Report – Ref P2344_02 V0
Flood Risk Assessment – Version 1.0
Flood Risk Assessment Addendum – Version 1.1
Transport Statement – Ref F21110 A

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22/00938/FUL

Land North Of Old Marston Lane, Doveridge



Derbyshire Dales DC

1:2,500

Date: 29/11/2022

100019785

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Derbyshire Dales District Council,
Town Hall, Bank Road, Matlock, Derbyshire DE4 3NN.
Telephone: (01629) 761100.
website :www.derbyshiredales.gov.uk

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APPLICATION NUMBER		22/00938/FUL	
SITE ADDRESS:		Land North of Old Marston Lane, Doveridge	
DESCRIPTION OF DEVELOPMENT		Erection of 18no. dwellinghouses and associated development	
CASE OFFICER	Sarah Arbon	APPLICANT	Owl Homes and Thompson Farming
PARISH/TOWN	Doveridge	AGENT	Mr Richard West – Cerda Planning Ltd
WARD MEMBER(S)	Cllr. J. Alison	DETERMINATION TARGET	17 th November 2022
REASON FOR DETERMINATION BY COMMITTEE	Major application and number of unresolved objections	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to consider the impact of the development on its surroundings

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> – The acceptability of the development – Impact on residential amenity – Impact on trees and ecology – Character and appearance – Flood risk – Highway safety – Development contributions and measures to mitigate the effects of and adapt to climate change

RECOMMENDATION
<p>That authority be delegated to the Development Manager or Principal Planning Officer to grant planning permission, subject to conditions upon completion of a s106 legal agreement to secure:-</p> <ul style="list-style-type: none"> • 6 affordable dwelling units on-site, • £72,663.30 towards the provision of 4 Primary places at Doveridge Primary school and additional education facilities. • £140,165.35 towards the provision of 5 secondary with post 16 places at Queen Elizabeth Grammar School and additional education facilities. • A contribution of ££3,061.80 towards the provision of children’s play off –site. • A contribution of £1,063.80 towards the provision of allotments off –site.

1.0 THE SITE AND SURROUNDINGS

- 1.1 The site comprises of 1.28ha of greenfield grassland used for agriculture/pasture to the northern edge of Doveridge, north of Derby Road at the junction of Marston Lane with the A50. The site is bounded by timber post and rail fencing with associated hedgerow and hedgerow trees, Old Marston Road to the south, Marston Road to the east. The A50 slip road is to the north and Kamloops residential property is to the west of the site. Opposite the north eastern corner of the site over Marston Lane Doveridge FP 7 links to Babbs Lane and the local network of footpaths to the east of the village. The site is relatively flat with levels around 98-102m AOD and is slightly lower than the Marston Lane road level with tree screening from the north adjacent to the A50 slip road.



2.0 DETAILS OF THE APPLICATION

- 2.1 The proposal would provide 18 dwellings which accords the number allocated. Of the 18 dwellings, 6 (33%) would be affordable dwellings and 12 open market dwellings. The development would be limited to the southern side of the site in order to provide a landscape buffer on the northern side which would comprise open space with additional landscape planting. The developable area is 0.59 ha (46%) with the open space area measuring 0.66 ha (51%) out of the total area of 1.28 ha which also includes the area of the access.

- 2.2 The private housing mix is comprised of the following:

- 5no. 4-bed, 2-storey dwellings
- 5no. 3-bed, 2-storey dwellings
- 2no. 2-bed, 1-storey dwellings

The affordable housing mix is comprised of the following:

- 3no. 3-bed, 2-storey dwellings
- 3no. 2-bed, 2-storey dwellings

The overall housing mix is as follows:

- 5no. 4-bed dwellings— 28%
- 8no. 3-bed dwellings— 44%
- 5no 2-bed dwellings— 28%

- 2.3 The site is located in Flood Zone 1 as identified on the Environment Agency flood maps and there is no risk of surface water flooding, hence no fluvial or surface water flood risk mitigation is required. Proposed vehicle access into the site will be taken via an existing 4m wide gated field access off Marston Lane.
- 2.4 The dwellings would be served from a central access road with dwellings on the Marston Road frontage having private drives off this estate road. Plots 1-4 would be set behind the existing hedgerow parallel with the road frontage and enclosed by a new hedge. Plots 13 -18 would be the affordable dwellings and these would face onto the attenuation basin in the south western corner abutting the site's boundaries with both Marston Lane and Old Marston Lane with new hedging and trees separating the two areas. These properties would have frontage parking broken up by landscaping. Plots 5, 6, 7 and 9-11 would face the internal access road and turning head adjacent to the open space and landscaped area. The proposed layout is as per the amended drawing 999-AD-003B which incorporates a change to a housetype on plot 8, a change to the position of the dwelling on plot 13 and extending the proposed hedgerow around the turning head which were all requested by officers.
- 2.5 A new 398m hedgerow is proposed to separate the housing from the open space with gates for access. The landscaping scheme proposes the planting of 1537 trees with a large number planted as extra heavy or heavy standard which includes with the proposed orchard of 1080m² in area. The scheme also includes the sowing of three different types of species rich grass seeding.
- 2.6 The proposed housetypes would be gable roofed two storey properties (with the exception of the two bungalows on plots 11 and 12). Gable features on the frontage are proposed with the larger housetypes with hipped roof bay windows and gable roof porches. Dwellings on prominent corners of the site would be 'corner turners' whereby they have two elevations that could represent the properties main elevation to the benefit of both streetscenes. Flat roof bay windows are proposed on these housetypes plus they have been introduced on plot 5 and 7 to break up the side gables. Wet verges are proposed rather than barge boards on the gables of the properties.

3.0 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
 PD1: Design and Place Making
 PD3: Biodiversity and the Natural 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 and Outdoor Recreation Facilities
 HC19: Accessibility and Transport

3.2 Doveridge Neighbourhood Plan February 2020

D1 – Design of New Development 103

H1 – Housing Mix to meet the specific demographic needs of Doveridge
BE2 – Internet Connectivity
T1 – Sustainable Transport, Safety and Accessibility within Doveridge
NE1 – Natural Environment

3.3. Other:

The National Planning Policy Framework (2021)
National Planning Practice Guide
Developer Contributions SPD (2020)
Climate Change SPD (2021)

4.0 RELEVANT PLANNING HISTORY:

20/01272/OUT	Outline Planning Application for 9 no. dwellinghouses with approval being sought for access	REF	30/06/2021
19/01406/OUT	Outline Planning Application for 27 no. dwellings for occupants aged 55 years and above, with approval being sought for access	WDN	12/03/2020

5.0 CONSULTATION RESPONSES

Doveridge Parish Council

5.1 Whilst Doveridge Parish Council accepts that this is a SHLAA site and therefore we cannot object to the principle of housing development here, the Parish Council, as statutory consultee, did object to this site being included in the SHLAA in the original discussions during the review of DDDC's Local Plan. Doveridge Parish Council and residents are disappointed that this site remains a SHLAA site, particularly given the proximity of the A50 which is a major noise source that infringes on quality of life. The Parish Council and residents feel that Doveridge has received far more than its fair share of the housing needed within DDDC. They still feel that Doveridge is not a sustainable location and the lack of facilities and amenities bears this out. It seems we may also lose the only bus service (approximately hourly) we have at some time in the near future. It has been shown in other applications that the noise from the A50 is a serious problem for residents and there is a negative impact from the noise of the A50 on occupiers of dwellings. Indeed, in another application for housing development on this site (20/01272/OUT, for 9 dwellinghouses), the noise levels from the A50 have been included as a reason for refusal.

A further application on this site for 27 dwellings was withdrawn. In this application for 18 dwellings, at paragraph 4.20 of the submitted Landscape and Visual Impact, it is stated 'The land is affected by disturbance from traffic using the A50'. Surely this proves that housing development is not acceptable on this site. Closing windows to shut out the noise will lead to lack of ventilation and may cause problems in its own right. Whilst resurfacing the A50 in a quieter material (an ideal solution) would provide some respite from the noise issue, we are aware that this is very unlikely as it is not within the applicant's control. It is suggested that much more landscaping is undertaken to try and mitigate the impact of noise. Despite this parcel of land being zoned as a SHLAA site, we firmly believe it is inappropriate for development and further to this, we suggest that a noise bund should also be erected along the field boundary with the A50 slip road, along with other noise mitigation measures – further planting of trees. We feel that this is the very least that is required along this section of concrete and very noisy surfacing along this stretch of the A50.

They do acknowledge, however, that some landscaping is shown and two bungalows (as residents suggested) are included in this application. Increasing traffic volumes (due to more housing) would also lead to increased traffic noise (for all residents). According to Dept for Transport the AADT (average annual daily traffic) count on the A50 in 2015 was 46,007 (total vehicles Manual Count 07:00 – 19:00) Count Point 99542. The equivalent count in 2019 was 51,021. If the A50 traffic keeps increasing, the generated noise will also be increasing. It is worth adding that this is a daytime count, but that more and more trucks are travelling by night to avoid the congestion. There is no night time data available. It is estimated that the new houses across this site, based on the 2019 daytime traffic count, will be subject to external noise of 65 – 70 dB(A). This does not take into account the concrete road surface, which potentially generates an extra 5 - 7 dB(A) compared with a tarmac surface.

Environment Agency

- 5.2 No comments. The development falls within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the site.

Derbyshire County Council (Highways)

- 5.3 The site was considered as part of the SHLAA process and deemed acceptable subject to appropriate visibility sightlines and a linking footway being provided. The internal layout has been considered by the Implementation Team and is generally in accordance with the County Councils adoption criteria. Surface water drainage is combined and will therefore need to be adopted under a S104 Agreement with the Local Water Authority. The culverting of the existing drainage ditch under the access will require consent from the County Council Flood Team and will be subject to a commuted sum payment for future maintenance.

This application has been subject to previous comments by the Highway Authority dated 1st September 2022 and in response the applicant has provided additional information in the form of a revised access drawings which shows visibility splays of 160m and 120m based on the findings of a speed survey. The applicant has identified that the 85th percentile speeds are 44.4mph and 39.6mph and applied visibility splay standards of the Design Manual for Roads and Bridges (DMRB), this is a robust approach as DMRB is normally applied to motorways and trunk roads, a sensitivity check using the methodology details in Manual for Street 2 confirms that the proposed visibility splay lines exceed that required. As such the access design and visibility splays are considered to be suitable for this environment and as they are contained within the existing Highway limits no conditions are required to provide them. The Highway Authority is aware of the suggestion to amend the speed limit, however compliance with the national guidance on alterations to speed limits would not be achieved and the additional speed data confirms that it is not necessary, as such there is no intention to amend the speed limit to facilitate this proposal.

The internal layout aligns with the current highway design guide and tracking details have been provided for the refuse collection vehicle. These details are suitable. The site is well located to Doveridge Primary School and the Village Store, both are within a 10 minute walk. The ability to access these services in the locality on foot reduces the level of car dependency and helps to reduce the number of short distance vehicle trips. The site can access existing bus service and notably the 401 service which provides connections to Uttoxeter and Burton. A new footway is proposed to connect the development to existing routes. It is noted that the site layout does not demonstrate sheltered and secure bicycle parking, and as such a condition is recommended to require plots that don't benefit from a garage to provide a suitable storage arrangement.

Paragraph 131 of the NPPF requires all new streets to be tree lined. This proposal does not proposed street trees and as such the design conflicts with the framework. It is noted that there is a comprehensive landscaping proposal which may contribute to justifying the

absence of street trees, as such the LPA should look to satisfy itself that the applicant has suitability justified for the NPPF conflict.

It is recommended that the applicant provide each new household with a “welcome pack” which should provide information on the location of local service, transport interchange points and how to reach them, this will help new residents who aren’t familiar with the local area to make more informed transport choices.

Finally, a Construction Management Plan should be provided which includes control measures to ensure that the highway is not subject to adverse impacts during the construction phase. Whilst the applicant has provided some details, they are not sufficient and as such a condition is recommended. Based on the analysis of the information submitted and a review of Local and National policy the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.

Derbyshire County Council (Education)

- 5.4 The proposed development falls within and directly relates to the normal area of Doveridge Primary School. The proposed development of 18 dwellings would generate the need to provide for an additional 4 pupils. Doveridge Primary School has a net capacity for 105 pupils, with 95 pupils currently on roll. The number of pupils on roll is projected to increase during the next five years to 109. An evaluation of recently approved major residential developments within the normal area of Doveridge Primary School shows no new developments, amounting to no additional 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 4 primary pupils arising from the proposed development.

The proposed development falls within and directly relates to the normal area of Queen Elizabeth's Grammar School. The proposed development of 18 dwellings would generate the need to provide for an additional 5 secondary with post 16 pupils. Queen Elizabeth's Grammar School has a net capacity for 1,384 pupils with 1,376 pupils currently on roll. The number of pupils on roll is projected to decrease to 1,330 during the next five years. An evaluation of recently approved major residential developments within the normal area of Queen Elizabeth's Grammar School shows new development totalling 465 dwellings, amounting to an additional 130 secondary with 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 5 secondary with post 16 pupils arising from the proposed development.

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. The County Council therefore requests financial contributions as follows:

- £72,663.30 towards the provision of 4 Primary places at Doveridge Primary school and additional education facilities.
- £140,165.35 towards the provision of 5 secondary with post 16 places at Queen Elizabeth Grammar School and additional education facilities.

Derbyshire Wildlife Trust

- 5.5 The Trust has reviewed the Ecological Appraisal prepared by FPCR July 2022. The EA provides a comprehensive assessment of habitats and species and has identified potential impacts and made recommendations regarding mitigation and enhancements. The development site is comprised of modified grassland in moderate condition with two

hedgerows bordering parts of the field. Other than the hedgerows there are no Habitats of Principal Importance present and there are no statutory or non-statutory sites of nature conservation value associated with this land or immediately adjacent.

Impacts on protected species are assessed as low with a slight risk to breeding birds, commuting bats, hedgehogs and badger. Suitable mitigation can be secured via conditions to address these potential impacts on species. The EA states that the development can deliver a net gain for both habitats and hedgerows. The information provided in the EA together with the Detailed Landscape Proposals C-2060-02 have set out how habitats at the site will be affected by the development and the proposals for habitat creation at the site.

Proposals put forward include retention of existing hedgerows and planting of 3 new hedgerows, creation of a SUDS, creation of species rich grassland, scrub and an orchard as well as tree planting to create a 'parkland' type habitat. The EA includes some information generated by use of Defra's metric 3.1. However, the full calculation has not been submitted and as such we have not had an opportunity to review this part of the assessment.

Proposals regarding bird nest boxes could be strengthened by integrating 1 swift brick per dwelling as per the recently published British Standard (BS 42021:2021 Integral nest boxes – Selection and installation for new developments) which provides specifications on the number and type of integral boxes that should be sought within new developments. For example:

1. To provide new and enhanced opportunities for nesting, the number of integral nest boxes on new residential developments shall at least equal the number of dwellings, i.e. the ratio of integral nest boxes to dwellings is 1:1.
2. External nest boxes are additional to the installation of integral nest boxes on new developments and should not be included as part of the 1:1 ratio. This is also supported by the National House Building Council Foundation, the standard-setting body for new homes: "Section 8.1 Nest sites for birds (page 42): "Provision of integral nest sites for swifts is through hollow chambers fitted into the fabric of a building while in construction. Although targeting swifts they will also be used by house sparrows, tits and starlings so are considered a 'universal brick'".

The EA is considered to provide an accurate assessment of the potential impacts on habitats and species at the site and has put forward a biodiversity enhancement scheme (also shown on the Detailed Landscape Proposals C-2060-02) that should provide a small net gain for biodiversity. Although full details of the biodiversity metric has not been provided the losses and gains appear to be reasonable in terms of scale and magnitude. It would be useful to see a copy of the metric provided at the same time as the Biodiversity Enhancement condition recommended below. Any changes to the proposed layout can then be taken into account in the metric. Impacts on species and habitat on site or potentially on site can be addressed through suitable conditions and the ecological enhancements can be set out in detail as part of a Landscape and Biodiversity Enhancement and Management Plan. The plan should address the creation and/or enhancement of habitats and the longer-term management required to achieve and maintain good condition. The management to be delivered through the LBEMP should be secured for a period of 30 years.

Local Lead Flood Authority

- 5.6 No objections subject to conditions in respect of management and maintenance of surface water drainage,

Environmental Health

- 5.7 As per the previous applications for this site there continues to be reservations about building houses in such a noise sensitive location. Ideally, dwellings should be located where noise conditions are suitable for development and where the public health implications as a result of noise are not significant. The concerns specifically relate to meeting the relevant

standards for internal and external living and amenity spaces. These guidelines exist due to the possibility of adverse health effects occurring above the guideline values.

Indoor noise standards are being met through design of the properties and a closed window system. However, there still remains concern about the external amenity spaces.

“External amenity areas that are an intrinsic part of the overall design should always be assessed and noise levels should ideally not be above the range 50 – 55 dB LAeq,16 hr.”

Part of a number of gardens are still exceeding the maximum guideline values and are also above the WHO recommended value from road traffic sources, which is 53dB Ldan. Above these levels detrimental impacts on health can be produced which is why the standard is recommended. The standard does provide for deviation from the maximum 55dB recommendation, however, this should only be where there is significant planning validation to override this opinion.

If the committee are minded to approve, conditions are recommended to implement the recommendations of the noise assessment and provision of validation that the noise levels submitted for the gardens when the properties are built has been achieved. Construction hours should also be restricted by condition.

Tree and Landscape Officer (Derbyshire Dales)

- 5.8 The submitted LVIA concludes that the potential landscape impact of the scheme would be very local and of limited significance due to the small scale of the development. However, consideration of whether the density of buildings and the proposed site layout design within the development is appropriate in this edge of village location surrounded by open agricultural landscape (other than the roads, of course). For example, perhaps a cluster of buildings around a couple of ‘farm yards’ resembling a former farm with dwellings appearing to consist of ‘converted barns’ and ‘renovated farm house’ may be more in keeping with the local vernacular and local landscape.

The landscape planting proposals are considered to be of a good quality, particularly the trees and orchard. They are the most imaginative and interesting seen in a long time on a new development. It is suggested whether the designers would consider incorporating areas of wildflower plug planting using selected appropriate species for the site conditions and with accompanying suitable management guidance to favour wildflowers over grasses.

The submitted tree report indicates an absence of trees within the site, with limited numbers of trees and mature hedgerow to the periphery of the site. The site is currently an open agricultural field. All existing trees and hedgerows are indicated for retention with just 2 short sections of hedgerow – 1 either side of the proposed site access road – to be removed to facilitate the proposals. A relatively insignificant ash tree (T2) located very close to the proposed access road into the site is likely to suffer irreversible root damage and should be removal at commencement of development works.

The proposed positions of temporary tree protection fencing leaves the root protection area of some trees partially exposed. The alignment of the fencing should be reviewed and adjusted as necessary with a dedicated Tree Protection Plan being resubmitted for approval. This TPP should include measurements on the drawing to indicate the off-set between tree/hedgerow stems and fencing position to facilitate correct positioning on-site. The specification for the fencing should also be included on the drawing prior to determination. If it is found that tree / hedgerow pruning / canopy lifting is needed to facilitate installation of temporary tree protection or any other part of the development then details should be conditioned.

If it is found that any development works or site activity is necessary within the root protection area of any retained trees or hedgerows then a detailed site specific Arboricultural Method Statement should be required to be submitted by condition.

All guidance provided by Section 5 of the submitted Tree Survey Report should be required to be strictly adhered to during development works by condition.

Strategic Housing (Derbyshire Dales)

- 5.9 The proposed house types and layout are considered acceptable, however, there are no bedroom sizes or floor areas to review. Such homes would be expected to be close the nationally prescribed space standards. This is important both for the letting of the affordable rented homes and also the sale of the shared ownership homes.

The standards are

2 bed 4 person house, 79m²

3 bed 5 person house 93m²

NHS Commissioning Group

- 5.10 They will not be requesting a contribution for this development as it falls under their threshold.

Archaeology (DCC)

- 5.11 The proposal site of c1.25ha was assessed in 2015 as part of the local planning authority's strategic housing allocation process, and was characterised as a small site with no known archaeological issues. It appears to be managed as improved pasture and retains no visible earthworks. Due to the location adjacent to the A50 and its slip road/junction at Doveridge there is likely to be on-site disturbance associated with the road-building process.

Since the 2015 allocation screening there is a single Portable Antiquities Scheme record for a medieval coin within the site, although this is likely to represent casual loss – the site is clearly within the medieval open field given the disposition of ridge and furrow in the surrounding area. There is also the discovery of a well-preserved Bronze Age round barrow on the Baker's Lane site about 600m to the south-east, and it is necessary to consider whether this elevates the likely archaeological potential of the current proposal site.

The excavators of the Baker's Lane site have compared locations of known barrows to the north and south of the Dove, and have suggested that the siting of barrows was influenced by visibility from the valley and intervisibility across the valley – i.e. that the locations chosen are prominent within the micro-topography of the valley, situated on ridge ends or terrace edges. The Baker's Lane barrow, for example, would have overlooked the Dove Valley and Brocksford Brook to the SE and E.

The current proposal site is some 600m distant from Baker's Lane and is most unlikely therefore to be within a contiguous group or barrow cemetery, particularly as no further barrows were identified at Baker's Lane. The site is also set a good 600m back from the terrace edge in a topographical neutral location with no view down towards the Dove or across to the southern slopes. It is not therefore in a location where we would expect to find a separate barrow.

In light of the above observations it is judged that the site is still of low archaeological potential and does not require archaeological involvement under the policies at NPPF chapter 16.

6.0 REPRESENTATIONS RECEIVED

6.1 Eleven representations have been received and these are summarised below:-

- a) A measurement of noise off the A50 at the site at 16:30 on the 1st September was taken as at 60Db.
- b) WHO recommend less than 55 in the day time and less than 45 at night and this will not be achieved at this site and it is suggested that outdoors would be untenable due to noise.
- c) The site has no noise plan and unless Owl Housing work with Highways to re-surface the concrete A50 in a tight time frame, the development should not be permitted for this reason alone.
- d) It is unlikely that a tree line, bund or omitting a section of the field would reduce the noise from the A50 to acceptable levels.
- e) If this application is permitted it would set a precedent and may allow previous refusals on this basis to be reviewed.
- f) The exit of the junction to the proposed estate is onto a 60mph zone, where traffic is observed regularly doing this speed.
- g) There may not be accidents reported at this spot but direct access to a 60 zone will surely make this happen.
- h) It is suggested that the traffic report attached is inaccurate and traffic movements will not be as low as suggested.
- i) Loss of green fields surrounding the village.
- j) Doveridge is losing its character due to all the new developments.
- k) The new developments offer no corresponding improvement to infrastructure.
- l) Local facilities are limited and the bus service has been cut back.
- m) The site is outside the main settlement area of the village and will result in village spread.
- n) Properties on Old Marston Lane proposed to develop land associated with them and were refused due to being outside the main village.
- o) Would the remaining part of the field be developed in the future.
- p) The reasons of refusal of 19/01406/OUT still stand.
- q) More houses have been built in the district than allocated with over 25% in Doveridge.
- r) The Noise Assessment conclusion is very different for all others and is flawed as it omits all data collected in windy or raining conditions.
- s) Previous noise reports stated that outdoor noise levels will not meet the recommended standards.
- t) The sale for new houses did not meet the developers forecasts which proves a lack of demand.
- u) The design of dwellings is not in keeping with the surrounding area.
- v) The water supply has issues and there is no mains gas in the village.
- w) The Parish Council recommended the site be removed from the SHLAA.
- x) Policy D1 (D) of the Neighbourhood Plan requires renewable energy to be proposed but this is not included.
- y) The resident of 2 Old Marson Lane would be impacted through noise and loss of privacy.
- z) The connection to the manhole 8501 along Old Marston Lane will mean existing properties will be cut off while pipes are laid and vehicle access restricted.
- aa) The reduction in speed limit is essential and the existing footway on Old Marston Lane is dangerous with no path.
- bb) By adding a footpath from the site to join Old Marston Lane would increase pedestrians on this road that has no footpaths and would be unsafe.
- cc) Overlooking and loss of privacy for adjacent properties Kamaloops and The Woodyard.
- dd) The use of 2.2m high fencing would be an eyesore as hedging is characteristic of the area.
- ee) The village of Doveridge has grown to an unsustainable size over the last few years with no extra infrastructure provided.
- ff) The concrete surface of the A50 means that noise levels are higher than predicted.

- gg) The Highways Agency considered that the number of houses affected by the noise did not warrant the expense of improving the surface.
- hh) The site should not be developed due to air pollution from the A50.
- ii) The SHLAA assessment for the sited noted an adverse impact on landscape character and settlement pattern.
- jj) Previous applications on the site and in the vicinity have been rejected as being out of context and causing encroachment into the countryside.
- kk) The drainage scheme would increase flows and new developments built out have already caused overflowing and silting problems.
- ll) Kamloops House and The Woodyard are not part of the existing village settlement but are rural smallholdings.
- mm) The District has built more than double the required number of housing over the last 3 years (202%) in order to meet the ambitious national target with Doveridge having 25% of this total.
- nn) The site has 75% susceptibility to groundwater flooding which is unacceptable.
- oo) The ditch to the west of the field is the property of Kamloops and regularly overflows and permission to connect to this ditch will not be given.
- pp) Loss of habitat for protected species.
- qq) Light pollution caused by the dwellings on Kamloops.
- rr) Loss of privacy for Kamloops.
- ss) The pedestrian link to Old Marson Lane would cause disturbance and loss of privacy for Kamloops.
- tt) They purchased Kamloops in 2020 and the local search undertaken did not reveal the existence of the allocation or previous permissions for the site which is unacceptable.

7.0 OFFICER APPRAISAL

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission under the Act 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) and SPD documents cited in the policy section of this report. The National Planning Policy Framework (2021) is a material consideration in respect of this application.
- 7.2 Having regard to the above and the consultation response and representations received, the following material planning issues are relevant to this application:
- The acceptability of the development
 - Impact on residential amenity
 - Noise
 - Impact on trees and ecology
 - Character and appearance
 - Flood risk
 - Highway safety
 - Development contributions and measures to mitigate the effects of and adapt to climate change

The acceptability of the development

- 7.3 The site is located within the settlement boundary of Doveridge and is allocated within the Local Plan, reference HC2(p) within Policy HC2 of the Adopted Derbyshire Dales Local Plan (2017). The allocation relates to 1.29 Ha for 18 dwellings, thus residential development is considered to be acceptable in principle.
- 7.4 The Annual Monitoring Report 2020/21 states the Council has 3.92 years and this position has not changed significantly since this was published. Notwithstanding the support in the NPPF for approving development proposals that accord with an up-to-date development

plans without delay, the housing policies contained within the development plan are considered to be out of date and there is a tilted balance in favour of such development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in framework taken as a whole as directed by paragraph 11 d) (provided policies that protect areas or assets of particular importance do not provide a clear reason for refusing the development).

- 7.5 The site was assessed prior to allocation under reference SHLAA348 which concluded that the site was 50% developable to allow opportunities to retain key features and ensure development reflects the surrounding settlement pattern and mitigation measures for proximity to the A50 to be incorporated. The developable area proposed equates to 46% of the total with open space making up 51%.

Impact on residential amenity

- 7.6 Policy PD1 requires development achieves a satisfactory relationship to adjacent development in relation to visual intrusion, overlooking, shadowing and overbearing impacts. The property 'Kamloops' is adjacent to the western boundary with a 1.5m high hedge providing some screening. This property has three ground floor windows on the eastern elevation of the two storey extension granted in 2013. These windows are secondary to the dining and sitting rooms as the main windows are on the front and rear elevations and as such are classed as non-habitable windows whereby the protection afforded to them is limited. A Hutton housetype is proposed with its side elevation at an angle with the boundary at a distance of 9.2 -10.6m. The western elevation that would face the boundary would have two small obscure glazed windows serving a bathroom on the first floor and toilet on the ground floor. Whilst, the proposed line of properties on plots 13-18 are to the east of this property, overshadowing would not be significant due to the windows on this property being non-habitable, loss of privacy would not occur due to the windows proposed being obscure glazed and this can be a condition of any permission. Therefore, based on the assessment of the relationship above it is not considered the residential amenity of this neighbouring property would be adversely effected in accordance with Policy PD1.
- 7.7 The property 'The Woodyard' is 34.9m from the site boundary with the rear garden area of Kamloops being in between. The nearest proposed properties to the east would be on plots 11 and 12 with their rear elevations being 47.5m from the side elevation of this existing property. Based on this distance the proposed properties would not have a significant impact on the residential amenity of this property in accordance with Policy PD1.

Noise

- 7.8 Policy PD9 states that development will only be permitted if the potential adverse effects (individually and cumulatively) are mitigated to an acceptable level by other environment controls or measures in respect of amongst others noise and vibration and air pollution. Paragraph 185 of the NPPF states 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 of 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".

7.9 The Acoustics Assessment submitted mapped contours in terms of sound level contours which demonstrates that the external amenity area criteria would be met with the inclusion of minor mitigation measures to three of the 18 proposed dwellings. Therefore overall 83% of proposed dwellings would achieve the BS 8233 guidance of less than 55 dB LAEQ, 16 hr for external amenity areas. For the three proposed dwellings identified as plots 1, 7 and 9 mitigation measures include 2.2m high walls on the northern portion of the external amenity areas based on daytime noise levels (worst case scenario). Consideration has been given to internal noise levels and embedded façade mitigation measures have been suggested in order to achieve internal noise level criteria in BS 8233:2014 and Profession Practice Guidance on Planning and Noise (ProPG) 2017. Such measures include standard double glazing and either direct airpath, or acoustically rated, window mounted trickle vents with such measures typical in residential dwellings.

7.10 The Environmental Health section continue to have reservations about building houses in such a noise sensitive location. Ideally, dwellings should be located where noise conditions are suitable for development and where the public health implications as a result of noise are not significant. The concerns specifically relate to meeting the relevant standards for internal and external living and amenity spaces. These guidelines exist due to the possibility of adverse health effects occurring above the guideline values. Indoor noise standards are being met through design of the properties and a closed window system. However, there still remains concern about the external amenity spaces.

“External amenity areas that are an intrinsic part of the overall design should always be assessed and noise levels should ideally not be above the range 50 – 55 dB LAeq, 16 hr.”

7.11 Three out of 18 gardens would exceed the maximum guideline values and are also above the WHO recommended value from road traffic sources, which is 53dB Ldan. Above these levels detrimental impacts on health can be produced which is why the standard is recommended. The standard does provide for deviation from the maximum 55dB recommendation, however, this should only be where there is significant planning validation to override this opinion. The advice in BS8233:2014 states that the resulting noise levels outside are never a reason for refusal as long as levels are designed to be as low as practicable. Whereas, to comply with policy guidance any amenity space must have an acoustic environment so that it can be enjoyed as intended. It is considered that based on the external amenity areas impacted and the mitigation proposed the proposal would not result in significant adverse impacts on health and the quality of life of future residents in accordance with Policy PD9 and national guidance on noise.

Impact on trees and ecology

7.12 Policy PD6 states that trees, hedgerows, orchards or woodlands of value should be retained and integrated within development wherever possible. The submitted tree report indicates an absence of trees within the site and all existing trees and hedgerows are indicated for retention with just 2 short sections of hedgerow, either side of the proposed site access road, to be removed to facilitate the proposals. A relatively insignificant ash tree (T2) located very close to the proposed access road is not considered a constraint to development and can be removed. Provided that trees and hedgerows are protected during construction by condition the proposal is considered to accord with Policy PD6.

7.13 Policy PD3 seeks to ensure that development proposals will not result in harm to biodiversity interests. Development proposals will not be permitted if it would directly or indirectly result in significant harm to geological and biodiversity conservation interests, unless it can be demonstrated that appropriate conservation and mitigation measures are provided. Such mitigation measures should ensure as a minimum no net loss and wherever possible net gain for biodiversity; or if it is demonstrated that this is not

possible; the need for, and benefit of, the development is demonstrated to clearly outweigh the need to safeguard the intrinsic nature conservation value of the site and compensatory measures are implemented.

- 7.14 Derbyshire Wildlife Trust have reviewed the Ecological Appraisal (EA) and considers the impacts on protected species are assessed as low with a slight risk to breeding birds, commuting bats, hedgehogs and badger. Suitable mitigation can be secured via conditions to address these potential impacts on species. Proposals put forward include retention of existing hedgerows and planting of 3 new hedgerows, creation of a SUDS, creation of species rich grassland, scrub and an orchard as well as tree planting to create a 'parkland' type habitat. The EA is considered to provide an accurate assessment of the potential impacts on habitats and species at the site and has put forward a biodiversity enhancement scheme that should provide a small net gain for biodiversity. On this basis the proposal accords with Policy PD3.
- 7.15 Policy PD5: Landscape Character states that development will only be permitted if the location, materials, scale and use are sympathetic and complement the landscape character; Natural key features including trees and hedgerows that contribute to the landscape character and setting of the development are retained and managed appropriately in the future; and new opportunities for appropriate landscaping will be sought alongside all new development.
- 7.16 The assessment with the SHLAA considered the site to have a medium landscape sensitivity to housing development and concluded that there was capacity for development across the site with the retention of key features such as boundary hedgerows and hedgerow trees. The site falls within the Landscape Character Area (LCA) of Needwood and South Derbyshire Claylands with a Landscape Type of Settled Farmlands. The submitted LVIA considers the landscape sensitivity to be low and as the land is not visible in the wider landscape beyond 100m it makes only a limited contribution to the setting of Doveridge although it does provide a landscape buffer between the village and the A50. On balance the LVIA considers the sensitivity of the site to a development of this scale and nature to be low and the magnitude of change on the site to be medium resulting in minor landscape effects. It is considered that the conclusions of the LVIA are reasonable and impacts are limited to the immediate locally with sufficient mitigation through the retention of the boundary hedgerows and restricting the developable area to 46 % together with the proposed high quality landscaping scheme.

Character and appearance

- 7.17 Policy PD1 requires all developments to be of high quality design that respects the character, identity and context of the Derbyshire Dales townscapes and landscapes. New development must be designed to offer flexibility for future needs and uses taking into account demographic and other changes; and ensuring 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. Policy D1 of the Adopted Doveridge Neighbourhood Development Plan (2018) advises that new development must be designed to be safe, convenient, sustainable and complement the existing character of this historic village which has evolved over many centuries.
- 7.18 Policy S3 sets out that within defined Settlement Development Boundaries planning permission will be granted where the proposed development is of scale, density, layout and design that is compatible with the character, appearance and amenity of that part of the settlement in which it would be located and that the access would be safe and the highway network can satisfactorily accommodate the traffic generated by the development or can be improved as part of the development.

- 7.19 The proposed layout shows the retention of existing hedgerow and dwellings set back from the road with private drives which reflects the more rural nature of the site on the periphery of the village. The dwellings are kept within the south western part of the site adjacent to existing development along the western boundary which reflects the existing pattern of development. The proposed layout reflects the density of properties in the village of detached dwellings in sizeable plots apart from the 6 dwellings in the north western corner, however, these are 24 metres from the access and face the attenuation pond. Hedge planting is proposed to separate the dwellings from the open space to have the appearance of a natural field boundary and this continues around the turning head in the north western part. The majority of the parking is to the side of the dwellings with the only the affordable units with frontage parking broken up and screened by landscaping. The attenuation pond to the front of these dwellings would have an overall depth of 1.2m with a water depth of 0.8m.
- 7.20 The proposed housetypes are considered of an appropriate design quality with gable features and bay windows on the frontages to add interest. The dwellings on the entrance to the site have two elevations have address the street and any side elevations that are prominent have bay windows or additional windows added to break up these elevations and also to add natural surveillance over the adjacent open space. Overall the layout and design of properties is considered to represent high quality in keeping with the settlement in accordance with Policies S3 and PD1.

Flood Risk

- 7.21 Policy PD8: Flood Risk Management & Water Quality sets out that new development shall incorporate Sustainable Drainage Measures (SuDs) in accordance with National Standards for Sustainable Drainage Systems. This should be informed by specific catchment and ground characteristics, and will require the early consideration of a wide range of issues relating to the management, long term adoption and maintenance of SuDs. The proposed drainage strategy, as shown on the Engineering Layout, proposes a drainage basin located at the southern end of the site. The basin would attenuate surface water before being discharged to the adjoining watercourse at greenfield rate. Appropriate allowances for climate change and urban creep are also accommodated within the overall drainage strategy. Foul water flows would discharge to an existing public sewer located in the adjacent carriageway.
- 7.22 The Lead Local Flood Authority have been provided with sufficient information in relation to surface water drainage have no objection on this basis subject to conditions.

Highway Safety

- 7.23 Policy S3 requires development to have appropriate access and parking provision and Policy HC19 seeks to ensure that development can be safely accessed in a sustainable manner and adequate parking is provided. The site location is within reasonable walking distance to local services and facilities. The proposed adoptable road access would have a width of 5m with 2m footways along each side of the access. It is proposed that a 2m wide footway would be provided along the west side of the Marston Lane from the site access to Old Marston Lane. The Highways Authority considered the reduction in speed originally proposed and deemed it not appropriate, however, adequate access visibility of 2.4m x 160m to the north east and 2.4m to 120m to the south west can be achieved within highway limits. A swept path analysis for fire and refuse vehicles has been provided together with a bin dwell area plan. The Highways Authority consider that safe access can be achieved together with adequate parking and turning in accordance with Policies S3 and HC19.

Developer Contributions

- 7.24 Policy S10: Local Infrastructure Provision and Developer Contributions sets out that the release of land for development will be informed by capacity in the existing local infrastructure to meet the additional requirements arising from new development. New development should 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.
- 7.25 Policy HC11: Housing Mix and Type requires all new residential development to contribute towards the creation of sustainable, balanced and inclusive communities by meeting identified local and District housing needs in terms of housing mix, size and tenure. The final mix 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.
- 7.26 The proposed mix of housing is predominately 3 bedroom properties with lower levels of 2 bed and 4 bed houses. In consultation with residents two bungalows have been included. It is considered that the mix proposed is appropriate for the site context and village fringe location in accordance with Policy HC11.
- 7.27 The Education Authority have identified a requirement for the following contributions in order to provide for sufficient capacity at nearby schools to accommodate the development.
- £72,663.30 towards the provision of 4 Primary places at Doveridge Primary school and additional education facilities.
 - £140,165.35 towards the provision of 5 secondary with post 16 places at Queen Elizabeth Grammar School and additional education facilities
- 7.28 Policy HC4: affordable housing requires all residential developments of 11 dwellings or more or with a combined floorspace of more than 1000 m² should provide at least 30% of net dwellings proposed as affordable housing. The Council's Head of Housing has viewed the layout and accommodation schedule proposed and considers the 6 units of affordable housing (33%) on the site to be acceptable (with at least 25% to be provided as First Homes to meet national planning policy, with the remainder in the form of social and affordable rent and intermediate housing to satisfy the requirements policy HC4). This is considered to constitute acceptable provision in accordance with Policy HC4, however, bedroom sizes and floor areas such meet the required space standards. Whilst there are no prescribed space standards in policy HC4 relating to affordable housing provision, this information has been provided by the applicant and any further comments on this issue shall be updated either through late representations or verbally at committee.
- 7.29 Policy HC14 has a requirement for new residential development of 11 dwellings or more to provide or contribute towards public open space facilities as set out in the Table 6 of this policy. This requirement is to improve the quantity, quality and value of play, sports and other amenity greenspace provision in line with the standards identified in the Derbyshire Dales Built Sports Facilities and Open Space Strategy (January 2018). The Council's Supplementary Planning Document (SPD) on Developer Contributions seeks a requirement of open space for 18 dwellings that would equate to 175.32m² (Parks and Gardens), 29.16m² (Play space) and 70.92m² (Allotments). The proposal would provide 6,600m² of open space with a high quality landscaping scheme including an orchard. The proposed development includes an extensive area on the northern side of the site which is to be retained as open space and would include landscape planting with the creation of a park/garden typology with the proposed planting including fruit species similar to a community orchard. This area equates to 51% of the total site area and is considered of a

considerable benefit to the future residents and village as a whole. An off-site contribution to allotments of £3,061.80 is necessary to comply with the SPD requirement.

7.30 Residential development will generally be required to meet the need for children's play on-site as an integral part of the site layout and design. Where a proposed new development is within a 15 minute walk (1200m) of an existing play area which can be readily accessed by new residents the District Council will seek an off-site contribution to enhance the existing facility. This site would be within a 4 minute walk of Doveridge Park off Derby Road and as such an off-site contribution of £3,061.80 for improvements to these facilities would constitute acceptable provision.

7.31 Energy efficiency should be secured through building design in accordance with Policy PD7: Climate Change and the Council's Climate Change SPD adopted in July 2021. The proposed new dwellings would benefit from compliance with the Building Regulations 2022, including the most recent uplift in Part L (Conservation of Fuel and Power). A fabric-first approach would include an increased external wall cavity width with full fill blown insulation, insulated beam and block floors, Hi Therm lintels and 'U' Values (the rate of transfer of heat through a structure) for walls, floors and roofs that are either equal to or in excess of the requirements of the most recent iteration of the Building Regulations. As the proposed development would rely solely on electric for space and water heating each home would be individually equipped with an air source heat pump for this purpose. The above measures would deliver a reduction in Carbon emissions of 31% in comparison to new-build properties under the previous Regulations. On this basis, the proposal is considered to comply with Policy PD7 and the Climate Change SPD.

Conclusion

7.32 The proposal would supply 18 dwellings (6 affordable houses) in a sustainable location whereby the Council cannot demonstrate a 5 year supply. The proposal would have limited impact on the landscape character of the settlement and would not have a significant adverse impact on the residential amenity of neighbouring properties. 51% of the site area would be retained as open space for the benefit of both residents of the site and the village as a whole with a high quality landscaping scheme proposed. The noise from the A50 would exceed recognised limits within three of the garden areas, however, this has been mitigated both by the landscaped buffer and 2.2m high walls on the garden boundaries. Taking the above into consideration, it is considered that the benefits outweigh the harm and as the proposals accord with development plan policies and national planning guidance.

8.0 RECOMMENDATION

That authority be delegated to the Development Manager or Principal Planning Officer to grant planning permission, subject to the conditions below upon completion of a s106 legal agreement to secure:-

- 6 affordable dwelling units on-site,
- £72,663.30 towards the provision of 4 Primary places at Doveridge Primary school and additional education facilities.
- £140,165.35 towards the provision of 5 secondary with post 16 places at Queen Elizabeth Grammar School and additional education facilities.
- A contribution of ££3,061.80 towards the provision of children's play off –site.
- A contribution of £1,063.80 towards the provision of allotments off –site.

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

Reason:

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

2. This consent relates solely to the following application plans:- location plan scale 1:500, plan no's 999-AD-003B, 050A, C-2060-02, 27330_08_020_01.1C, 21_053_02_02, Refuse Strategy Plan, CEMP Plan, and the following housetype plans no. HEA-03, HEA-01, CDY-03, AT-CDY-02, AT-HTR-01 A, LNG-03 A, LIT-01 A, HUT-01 A, LMG-01A, HUT-BAR-02 A and HUT-BAR-01 received by the Local Planning Authority on the 24th November 2022.

Reason:

For the avoidance of doubt

3. No dwelling hereby approved shall be occupied until the access, parking and turning facilities serving that individual building, to the nearest public highway, has been provided as shown on drawings 27330_08_020_01.1 Rev C and 999-AD_002C.

Reason:

In the interests of Highway Safety in accordance with Policy HC19 of the Adopted Derbyshire Dales Local Plan.

4. No individual dwelling hereby approved shall be occupied until sheltered, secure and accessible bicycle parking has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The storage area shall be maintained for this purpose thereafter.

Reason:

To promote sustainable travel and healthy communities in accordance with Policy HC19 of the Adopted Derbyshire Dales Local Plan.

5. The Development hereby approved shall not be occupied until the applicant has submitted to and had approval in writing from the Local Planning Authority a residential welcome pack promoting sustainable forms of access to the development. The pack shall be provided to each resident at the point of the first occupation of the dwelling.

Reason:

To reduce vehicle movements and promote sustainable access in accordance with Policy HC19 of the Adopted Derbyshire Dales Local Plan.

6. Prior to commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:

- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Advisory routes for construction traffic;
- Any temporary access to the site;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud and dust being carried onto the highway;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads ~~10~~ unusually large vehicles;

- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason:

In the interests of the safe operation of the adopted highway in the lead into the development both during the demolition and construction phase of the development.

7. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:
 - a. FRA, Drainage Strategy etc M-EC. (May 2022). *Marston Lane, Doveridge, Flood Risk Assessment*. 27330-FLD-0101.
 - b. Allsopp Avery Partnership. (Nov 2022). *Planning Engineering Layout*. 21-053_02_01 B RB. Including any subsequent amendments or updates to these documents as approved by the Flood Risk Management Team
 - c. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015),
has been submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the Local Planning Authority, in advance of full planning consent being granted.

8. No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 80 reference ID: 7-080-20150323 of the planning practice guidance.

Reason:

To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options in accordance with Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

9. Prior to commencement of the development, the applicant shall submit for approval to the LPA details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the LPA, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.

Reason:

To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development in accordance with Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

10. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This

must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Reason:

To ensure that the drainage system is constructed to the national Non-statutory technical standards for sustainable drainage and CIRIA standards C753 in accordance with Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

11. No stripping, demolition works, or vegetation clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

Reason:

In order to safeguard protected and/or priority species from undue disturbance and impacts, noting that initial preparatory works could have unacceptable impacts; and in order to secure an overall biodiversity gain in accordance with Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

12. Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). Such approved measures will be implemented in full.

Reason:

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

13. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts on badger, amphibians, hedgehogs and reptiles during construction
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.

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

Reason:

In order to safeguard protected and/or priority species from undue disturbance and impacts, noting that initial preparatory works could have unacceptable impacts; and in order to secure an overall biodiversity gain in accordance with Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

14. A Landscape and Biodiversity Enhancement and Management Plan (LBEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The aim of the LBEMP is to enhance and sympathetically manage the biodiversity value of onsite habitats, in line with the proposals set out in the Ecological Appraisal (FPCR, July 2022) and to achieve no less than a +1.58 % net gain. A final copy of the Biodiversity Metric 3.1 should be submitted with the LBEMP. The LBEMP should combine both the ecology and landscape disciplines and shall be suitable to provide to the management body responsible for the site. It shall include the following:-
- a) Description and location of features to be retained, created, enhanced and managed
 - b) Aims and objectives of management, in line with desired habitat conditions detailed in the Ecological Appraisal and metric.
 - c) Appropriate management methods and practices to achieve aims and objectives.
 - d) Prescriptions for management actions.
 - e) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity).
 - f) Details of the body or organization responsible for implementation of the plan.
 - g) A monitoring schedule to assess the success of the habitat creation and enhancement measures at 1, 5, 10, 15, 20 and 30 years.
 - h) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
 - i) Detailed habitat enhancements for wildlife, including at least 18 integrated swift bricks and in line with other recommendations in the Ecological Appraisal (FPCR, July 2022).
 - j) Details of offset gullies and drop kerbs in the road network to safeguard amphibians.
 - k) Detailed specifications for wetland habitats to provide biodiversity benefits.
 - l) Requirement for a statement of compliance upon completion of planting and enhancement works.

The LBEMP shall also include details of the legal and funding mechanism(s) by which the longterm implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.on site during this period and has shown it is certain that nesting birds are not present.)

Reason:

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

15. If it is found that any development works or site activity is necessary within the root protection area of any retained trees or hedgerows prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with section 5 of the submitted Tree Survey Report and BS 5837 (2012), including a revised tree protection plan and a site specific arboricultural method statement shall be submitted to and approved in writing by the Local Planning Authority.

Specific issues to be dealt with in the revised Tree Protection Plan and Arboricultural Method Statement, include:

- a) The TPP should include measurements on the drawing to indicate the off-set between tree/hedgerow stems and fencing position to facilitate correct positioning on-site. The specification for the fencing should also be included on the drawing prior to determination.
- b) If it is found that tree / hedgerow pruning / canopy lifting is needed to facilitate installation of temporary tree protection or any other part of the development then details should be submitted for approval in advance of any works.
- c) Details of arboricultural inspection and supervision by a suitably qualified tree specialist.
- d) Timing and method to be used for reporting of arboricultural inspection and supervision to the LPA and site manager.

The development thereafter shall be implemented in strict accordance with the approved details.

Reason:

Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance in accordance with Policy PD6 of the Adopted Derbyshire Dales Local Plan (2017).

16. The ground and first floor windows in the western elevation of the dwelling on Plot 18 hereby permitted shall be glazed in obscure glass prior to the first occupation of the building/extension and thereafter retained in perpetuity.

Reason:

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

17. Construction work shall not be outside normal working hours of 8am - 6pm Monday to Friday and 8am -1pm Saturday with no working Sundays and bank holidays.

Reason:

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

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

Reason:

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

19. Details of the materials, treatment and/or colour of the window and door frames shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The window and door frames shall then be installed in accordance with the approved details and so retained.

Reason:

To protect the external appearance of the building and preserve the character of the area in accordance with in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

20. Details of the overall height, coping and materials of construction of the proposed 2.2m boundary wall(s) shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on any boundary wall. The development shall be constructed in accordance with the approved details.

Reason:

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

21. Prior to erection, details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall be carried out in accordance with the approved details prior to the development being first brought into use.

Reason:

In the interests of visual amenity and the character and appearance of the area in accordance with in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

22. Prior to first occupation of the dwellings hereby approved the measures to help mitigate the effects of and adapt to climate proposed as part of this application, including the installation of air source heat pumps shall be implemented in full unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure the delivery of measures to help mitigate the effects of and adapt to climate change in accordance with Policy PD7 of the Adopted Derbyshire Dales Local Plan (2017).

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

Reason:

To ensure a satisfactory standard of landscaping in the interests of amenity in accordance with the aims of Policies PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

24. Prior to first occupation of any dwelling details of the legal and funding mechanism for the maintenance and management of all open space serving the development (excluding private gardens) shall be submitted to and approved in writing by the Local Planning Authority. The open space shall thereafter be managed and maintained in accordance with the approved details.

Reason:

To ensure a satisfactory standard of landscaping in the interests of amenity in accordance with the aims of Policies PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

9.0 NOTES TO APPLICANT:

The Local Planning Authority prior to the submission of the application engaged in a positive and proactive dialogue with the applicant which resulted in the submission of a scheme that overcame initial concerns relating highway safety, layout, landscaping and design.

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

This decision notice relates to the following plans and documents:

application plans:- location plan scale 1:500, plan no's 999-AD-003B, 050A, C-2060-02, 27330_08_020_01.1C, 21_053_02_02, Refuse Strategy Plan, CEMP Plan, and the following housetype plans no. HEA-03, HEA-01, CDY-03, AT-CDY-02, AT-HTR-01 A, LNG-03 A, LIT-01 A, HUT-01 A, LMG-01A, HUT-BAR-02 A and HUT-BAR-01 received by the Local Planning Authority on the 24th November 2022.

Planning Statement

Tree Survey Report

Transport Statement

Landscape and Visual Impact Assessment

Geo-environmental Assessment

Acoustics Assessment

Flood Risk Assessment

Ecology Survey

Design and Access Statement

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

(Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity. Breeding birds No stripping, demolition works, or vegetation clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged.

No works shall be undertaken within exclusion zones whilst nesting birds are present. Comments: The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. (Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is certain that nesting birds are not present.)

Highway Advisory Notes

The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out. Contact the Highway Authority's Implementation team allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Council's costs in undertaking the following actions:

- Drafting the Agreement
- A Monitoring Fee
- Approving the highway details

Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

The development hereby approved includes the construction of new highway. To be considered for adoption and ongoing maintenance at the public expense it must be constructed to the Highway Authority's standards and terms for the phasing of the development. You are advised that you must enter into a highway agreement under Section 38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980.

Contact the Highway Authority's Implementation Team at [EMAIL]. You will be required to pay fees to cover the Council's cost's in undertaking the following actions:

- Drafting the Agreement
- Set up costs
- Approving the highway details
- Inspecting the highway works

You should enter into discussions with statutory undertakers as soon as possible to co-ordinate the laying of services under any new highways to be adopted by the Highway Authority.

The Highway Authority's technical approval inspection fees must be paid before any drawings will be considered and approved. Once technical approval has been granted a Highway Agreement under Section 38 of the Highways Act 1980 must be completed and the bond secured.

It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to "respecting the community" this says:

Constructors should give utmost consideration to their impact on neighbours and the public

- Informing, respecting and showing courtesy to those affected by the work;
- Minimising the impact of deliveries, parking and work on the public highway;
- Contributing to and supporting the local community and economy; and
- Working to create a positive and enduring impression, and promoting the Code.

The CEMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.

Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.

Land Drainage Advisory Notes

A. The County Council does not adopt any SuDS schemes at present (although may consider ones which are served by highway drainage only). As such, it should be confirmed prior to commencement of works who will be responsible for SuDS maintenance/management once the development is completed.

B. Any works in or nearby an ordinary watercourse may require consent under the Land Drainage Act (1991) from the County Council. For further advice, or to make an application please contact Flood.Team@derbyshire.gov.uk.

C. No part of the proposed development shall be constructed within 5-8m of an ordinary watercourse and a minimum 3 m for a culverted watercourse (increases with size of culvert). It should be noted that DCC have an anti-culverting policy.

D. The applicant should be mindful to obtain all the relevant information pertaining to proposed discharge in land that is not within their control, which is fundamental to allow the drainage of the proposed development site.

E. The applicant should demonstrate, to the satisfaction of the Local Planning Authority, the appropriate level of treatment stages from the resultant surface water discharge, in line with Table 4.3 of the CIRIA SuDS Manual C753.

F. The County Council would prefer the applicant to utilise existing landform to manage surface water in mini/sub-catchments. The applicant is advised to contact the County Council's Flood Risk Management team should any guidance on the drainage strategy for the proposed development be required.

G. Flood resilience should be duly considered in the design of the new building(s) or renovation. Guidance may be found in BRE Digest 532 Parts 1 and 2, 2012 and BRE Good Building Guide 84.

H. Surface water drainage plans should include the following:

- Rainwater pipes, gullies and drainage channels including cover levels.
- Inspection chambers, manholes and silt traps including cover and invert levels.
- Pipe sizes, pipe materials, gradients, flow directions and pipe numbers.
- Soakaways, including size and material.
- Typical inspection chamber / soakaway / silt trap and SW attenuation details.
- Site ground levels and finished floor levels.

I. On Site Surface Water Management;

- The site is required to accommodate rainfall volumes up to the 1% probability annual rainfall event (plus climate change) whilst ensuring no flooding to buildings or adjacent land.
- The applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas, etc, to demonstrate how the 30 year + 35% climate change and 100 year + 40% Climate Change rainfall volumes will be controlled and accommodated. In addition, an appropriate allowance should be made for urban creep throughout the lifetime of the development as per 'BS 8582:2013 Code of Practice for Surface Water Management for Developed Sites' (to be agreed with the LLFA).
- Production of a plan showing above ground flood pathways (where relevant) for events in excess of the 1% probability annual rainfall event, to ensure exceedance routes can be safely managed.
- A plan detailing the impermeable area attributed to each drainage asset (pipes, swales, etc), attenuation basins/balancing ponds are to be treated as an impermeable area.

Peak Flow Control

- For greenfield developments, the peak run-off rate from the development to any highway drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event, should never exceed the peak greenfield run-off rate for the same event.
- For developments which were previously developed, the peak run-off rate from the development to any drain, sewer or surface water body for the 100% probability annual rainfall event and the 1% probability annual rainfall event must be as close as reasonably practicable to the greenfield run-off rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development, prior to redevelopment for that event.

Volume Control

- For greenfield developments, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hour 1% probability annual rainfall event must not exceed the greenfield runoff volume for the same event.
- For developments which have been previously developed, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hour 1% probability annual rainfall event must be constrained to a value as close as is reasonably practicable to the greenfield runoff volume for the same event, but must not exceed the runoff volume for the development site prior to redevelopment for that event.

Note:- If the greenfield run-off for a site is calculated at less than 2 l/s, then a minimum of 2 l/s could be used (subject to approval from the LLFA).

- Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional.
- Where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning signage should be provided to inform of its presence. Cellular storage and infiltration systems should not be positioned within the highway.

- Guidance on flood pathways can be found in BS EN 752.

- The Greenfield runoff rate which is to be used for assessing the requirements for limiting discharge flow rates and attenuation storage for a site should be calculated for the whole development area (paved and pervious surfaces - houses, gardens, roads, and other open space) that is within the area served by the drainage network, whatever the size of the site and type of drainage system. Significant green areas such as recreation parks, general public open space, etc., which are not served by the drainage system and do not play a part in the runoff management for the site, and which can be assumed to have a runoff response which is similar to that prior to the development taking place, may be excluded from the greenfield analysis.

J. If infiltration systems are to be used for surface water disposal, the following information must be provided:

- Ground percolation tests to BRE 365.
- Ground water levels records. Minimum 1m clearance from maximum seasonal groundwater level to base of infiltration compound. This should include assessment of relevant groundwater borehole records, maps and on-site monitoring in wells.
- Soil / rock descriptions in accordance with BS EN ISO 14688-1:2002 or BS EN ISO 14689-1:2003.
- Volume design calculations to 1% probability annual rainfall event + 40% climate change standard. An appropriate factor of safety should be applied to the design in accordance with CIRIA C753 – Table 25.2.
- Location plans indicating position (soakaways serving more than one property must be located in an accessible position for maintenance). Soakaways should not be used within 5m of buildings or the highway or any other structure.
- Drawing details including sizes and material.
- Details of a sedimentation chamber (silt trap) upstream of the inlet should be included.

Soakaway detailed design guidance is given in CIRIA Report 753, CIRIA Report 156 and BRE Digest 365.

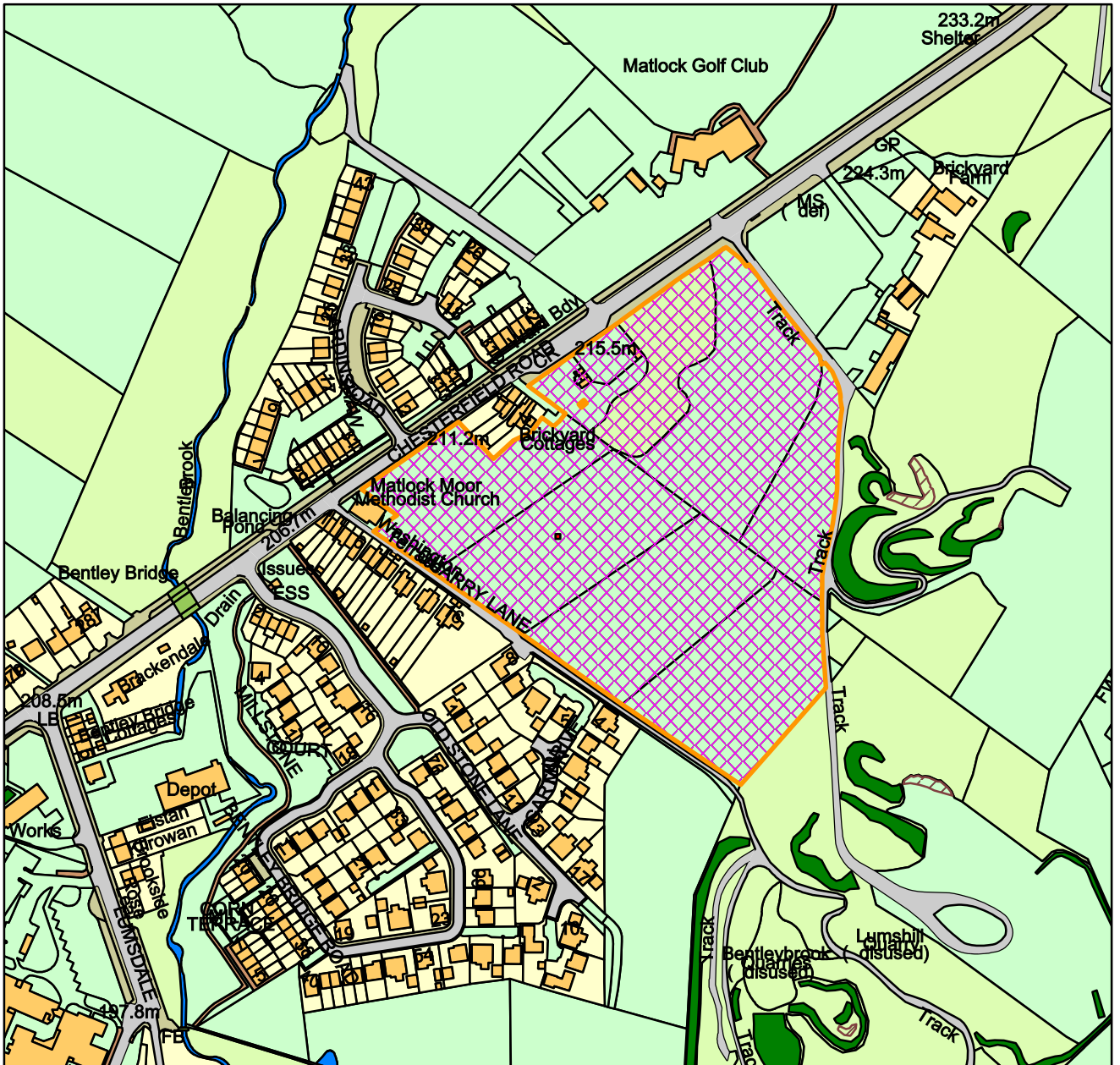
K. All Micro Drainage calculations and results must be submitted in .MDX format, to the LPA. (Other methods of drainage calculations are acceptable.)

L. The applicant should submit a comprehensive management plan detailing how surface water shall be managed on site during the construction phase of the development ensuring there is no increase in flood risk off site or to occupied buildings within the development.

M. The applicant should manage construction activities in line with the CIRIA Guidance on the Construction of SuDS Manual C768, to ensure that the effectiveness of proposed SuDS features is not compromised.

22/01044/OUT

Land Off Chesterfield Road and Quarry Lane, Matlock



Derbyshire Dales DC

1:3,500

Date: 29/11/2022

100019785

Crown Copyright and database rights (2018) Ordnance Survey (100019785)
Derbyshire Dales District Council,
Town Hall, Bank Road, Matlock, Derbyshire DE4 3NN.
Telephone: (01629) 761100.
website :www.derbyshiredales.gov.uk

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APPLICATION NUMBER		22/01044/OUT	
SITE ADDRESS:		Land off Chesterfield Road and Quarry Lane, Matlock	
DESCRIPTION OF DEVELOPMENT		Outline planning application for the erection of up to 75 no. dwellinghouses and associated development with approval being sought for access	
CASE OFFICER	Sarah Arbon	APPLICANT	Richborough Estates And Statham Property Maintenance LLP
PARISH/TOWN	Matlock	AGENT	Ellie Dukes - RGP Ltd
WARD MEMBER(S)	Cllr S Flitter Cllr P Cruise Cllr D Hughes	DETERMINATION TARGET	7 th December 2022
REASON FOR DETERMINATION BY COMMITTEE	Major application and number of unresolved objections received.	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to consider the impact of the development on its surroundings

MATERIAL PLANNING ISSUES

- Suitability of the location
- The effect of the proposal on the character and identity of the settlement and the local landscape
- Impact on heritage
- Highway considerations
- Flood risk and drainage
- Residential amenity impacts
- Impact on trees, biodiversity and wildlife, and
- Developer contributions and housing mix

RECOMMENDATION

That authority be delegated to the Development Manager or Principal Planning Officer to grant outline planning permission, subject to conditions upon completion of a s106 legal agreement to secure:-

- 30% of the dwellings as affordable units on-site,
- A contribution of £588,694.47 towards the provision of 21 secondary places with post 16 at Highfield School + additional education facilities.
- A contribution of £67,680 for enhancing capacity / infrastructure within the existing local practices of Imperial Road Surgery Matlock and Ashover Branch and Ivy Grove Surgery Matlock.
- A contribution of £5,280 to mitigate the additional demand on library services.
- A contribution of £3,750 which is to be payable towards Travel Plan monitoring.
- A contribution of £4,432.50 towards the provision of allotments off –site.

1.0 THE SITE AND SURROUNDINGS

- 1.1 The application site concerns 4.27 hectares of land located on the south eastern side Chesterfield Road (A623). Its south western boundary abuts Quarry Lane. Matlock Moor Methodist Church sits on the corner of Chesterfield Road and Quarry Lane abutting the south western corner of the site and 4 properties known as Brickyard Cottages are located in the middle of the site's frontage, side on to Chesterfield Road with long rear gardens to the south west. The north easterly field has some small stable structures in the field nearest the road. The remaining part of the field is screened by the wooded area within it that runs to the north eastern boundary. The site is opposite the Cardinshaw Road development with Matlock golf course to the north east.
- 1.2 The site consists of agricultural grazing land with fields demarcated by dry stone walls. Land levels rise steeply towards the woodland on the site's eastern edge of the former quarry. The north eastern boundary is adjacent to a single track that provides access to the outbuildings associated with Brickyard Farm where there is an access to the farm house further up Chesterfield Road. Brickyard Farm is located on higher land, 85m north west of the site boundary with an intervening field and outbuildings. Chesterfield Road is a main bus route between the sub-regional centre of Chesterfield and Matlock and bus stops are located adjacent to the site at both ends of the frontage with Chesterfield Road. There is a layby on Chesterfield Road just north east of the access to Brickyard Cottages which is used by the residents for parking.





2.0 DETAILS OF THE APPLICATION

2.1 Outline planning permission is sought for the erection of up to 75 dwellings with all matters reserved except for access.

The breakdown of housing proposed would be as follows:-

- 52 market housing
- 18 Social, affordable or intermediate rent
- 5 affordable home ownership

The affordable housing proposed is a total of 23 out of 75 which equates to 30% and 25% of these are required to meet the criteria of First Homes.

2.2 The application is accompanied by the following reports:-

- Design and Access Statement;
- Landscape and Visual Impact Assessment;
- Preliminary Arboricultural Statement;
- Ecological Impact Assessment;
- Built Heritage Statement;
- Archaeological Desk Based Assessment;
- Flood Risk Assessment;
- Travel Plan;
- Transport Assessment.

2.3 The access is proposed 51m north east of the existing access to Brickyard Cottages and indicates footpaths in each direction from the access along Chesterfield Road which means the layby being removed. A plot is shown directly to the south west of the access with a parking area annotated as 'car parking for Brickyard Cottages' immediately adjacent to the boundary with these properties to compensate for the loss of the layby. Visitor parking for the Methodist Church has also been provided with direct footpath links.

2.4 Visibility splays of 2.4m x 120m are provided in both directions, which accord with the speed limit of 40mph past the site. However, Derbyshire County Council have proposed a new speed limit order (June 2021) that the proposes extending the 30mph speed limit from its current location to a point 298m north east of the junction with Quarry Lane, directly adjacent to the north east end of the Matlock Golf Club car park. As part of this order the 40mph speed limit will be relocated further out and lower the national speed limit section of Chesterfield Road to a 50mph speed limit.

- 2.5 The development proposal includes two pedestrian links from the site onto Chesterfield Road, at the western and northern corners of the site. The northern pedestrian link will include a new footway along the southwest side of the Chesterfield Road carriageway, connecting to the existing bus stop to the north of the site. The Transport Statement states that the bus stops in the vicinity of the site would be improved/upgraded to provide shelters with seating and lighting, timetable displays and raised bus boarder kerbing. At the vehicular access point, footways will be provided on both sides of the carriageway and extended along Chesterfield Road; a dropped kerb pedestrian crossing with tactile paving is also proposed just to the southwest of the access.
- 2.6 Appearance, landscaping, layout and scale are all reserved matters. However, the illustrative layout indicates the retention of the existing wooded area in the north eastern part of the site with dwellings set behind this area within the parameters of the existing stone wall boundaries. A frontage property is shown to the south west of the site entrance and with properties surrounding the Brickyard Cottages. An attenuation pond is proposed adjacent to the Matlock Moor Methodist Church. The built development area is shown to be parallel with the extent of the adjacent development on Old Stone Lane to the south west with the higher land and wooded area to the south east retained as public open space.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1. Adopted Derbyshire Dales Local Plan 2017

S1 Sustainable Development Principles
 S2 Settlement Hierarchy
 S4 Development within the Countryside
 PD1 Design and Place Making
 PD2 Protecting the Historic Environment
 PD3 Biodiversity and the Natural 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
 HC4 Affordable Housing Provision
 HC11 Housing Mix and Type
 HC14 Open Space, Sports and Recreation Facilities
 HC17 Promoting Sport, Leisure and Recreation
 HC19 Accessibility and Transport
 HC20 Managing Travel Demand
 HC21 Car Parking Standards.

3.2. Other:

The National Planning Policy Framework (NPPF) (2021)
 National Planning Practice Guide
 Developer Contributions SPD (2020)
 Climate Change SPD (2021)
 Landscape Character and Design SPD (2018)

4.0 RELEVANT PLANNING HISTORY:

None

5.0 CONSULTATION RESPONSES

Matlock Town Council

5.1 Objects on the following grounds -

- Traffic impact
- Flooding
- Sustainability
- Landscape
- Not within Local Plan
- Lead contamination
- Impact on the whole of the Town

Environmental Health:

- 5.2 The Noise Impact Assessment and Geotechnical reports have been reviewed and there are no objections in principle provided the recommendations within the reports are implemented and validated.

Highway Authority:

- 5.3 It is acknowledged that this is an Outline planning application with some matters reserved and note that means of access is and must be determined at this time. The development proposals are supported with a Transport Assessment where the overall traffic and transport impact has been fully assessed within this said document. Parking levels and car parking space dimensions must be in accordance with car parking policy and the main concern addressed in car parking issues is the ability for the site to contain the appropriate level of car parking within the overall application site without exceeding capacity that would lead to on street parking in the area.

It must therefore be noted that to comply with car parking policy the following requirements must be catered for within each plot/curtilage parking when layout is sought at reserved matters stage; 2 spaces per unit up to 3 bedrooms and for 4+ bedroom dwellings 3 spaces per unit is required of which no more than 2 shall be in line.

A new access is proposed on Chesterfield Road that would form part of a 278 agreement which includes highway modifications including the adjacent layby removal and sustainable travel improvements. It is noted that additional parking is provided within the scheme to compensate for the removal of the layby.

It is important that new development promotes sustainable travel journeys in the creation of new and improved infrastructure that supplements sustainable travel and related facilities. In this case having regard to the needs of walkers and bus users given active travel, it would be necessary as part of the proposed scheme to provide a number of highway improvements. This shall take the form of pedestrian/dropped crossings/tactile paving facilities in the area and bus stop improvements as part of the scheme proposal. Such improvements are to be provided by the applicant under a Section 278 Agreement, in accordance with details to be agreed with DCC as Highway Authority.

A Travel Plan has been submitted with the planning application which requires assessment and monitoring which must be set as a condition of planning. Each development must work with the Highway Authority in line with active travel objectives and provide a legacy to the area to improve non-motorised modes of travel associated with the development. The Council support increased levels of non-motorised travel, including walking and bus usage and a Travel Plan places a responsibility on the developer and future residents to continuously improve conditions for non-motorised users within the area. The monitoring contribution requested would be used by the Highway Authority to continuously review the Plan and its aims.

Regarding the latest 5 year personal injury traffic accident data in the area there are no significant correlations in the timing, location, frequency, or circumstances of the available data that were apparent within the adjacent road or the nearby junctions. It is therefore considered the development proposal would not exacerbate the current driving conditions

on the highway. In terms of development traffic impact there are no highway concerns raised with regards to network or nearby junctions' capacities and the existing network is therefore considered sufficient to be able to accommodate with the proposals without further interventions. The development scheme can be accommodated into the existing network without detriment to other highway users.

In summary having examined the supporting information and assessed the site, it is considered that the development would have a minimal impact in terms of additional vehicular traffic on the network. They are therefore satisfied that there would be no detrimental impact because of development on the local highway network and the network would continue to operate in a safe manner. This is subject to several conditions in relation to construction details, improvement works, the access, a construction method statement and making good any damage to highway infrastructure during construction. Any S106 should secure £3,750 towards Travel Plan monitoring.

Lead Local Flood Authority (LLFA):

5.4 Initially issued a holding objection as it was not possible provide an informed comment until such a time that the applicant had submitted the following further information;

- Confirmation that Severn Trent Water will accept discharge from the site at the proposed flow rate as detailed in the Flood Risk Assessment into their surface water sewer network.
- Confirmation that the land drain that is proposed to capture the surface water from the adjacent green fields to the east of the site is to be connected to the swale and then the attenuation pond.
- Confirmation that the attenuation pond in the plans has been sized to include the run-off volume from the development site and also the run-off volume from the surrounding green fields to the east of the site that are to be captured by your proposed land drain. Details as to the extent of the contributing areas (outside of the development) and the appropriate calculations to support this would be required.

The principle of a strategy to cover the above has since been agreed. A condition to secure additional storage on site and appropriate land drainage routing through the proposed development and discharge is proposed. This approach would be fully consistent with both local and national planning policy and ensure appropriate safeguards are secured at the outline planning stage.

The LLFA have confirmed, in further consultation comments, that they are now happy to remove their holding objection subject to the conditions to control the above.

Education Authority (DDC):

5.5 The proposed development falls within and directly relates to the normal area of Castle View Primary School. The proposed development of 75 dwellings would generate the need to provide for an additional 18 pupils. Castle View Primary School has a net capacity for 151 pupils, with 120 pupils currently on roll. The number of pupils on roll is projected to increase during the next five years to 121. An evaluation of recently approved major residential developments within the normal area of Castle View Primary School shows new development totalling 47 dwellings, amounting to an additional 11 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 have sufficient capacity to accommodate the 18 primary pupils arising from the proposed development.

The proposed development falls within and directly relates to the normal area of Highfields School. The proposed development of 75 dwellings would generate the need to provide for an additional 21 secondary with post16 pupils. Highfields School has a net capacity for 1392

pupils with 1250 pupils currently on roll. The number of pupils on roll is projected to increase to 1397 during the next five years. An evaluation of recently approved major residential developments within the normal area of Highfields School shows new development totalling 648 dwellings, amounting to 181 secondary with post 16 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 21 secondary with post 16 pupils arising from the proposed development.

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.

The County Council therefore requests financial contributions as follows:

- £588,694.47 towards the provision of 21 secondary places with post 16 at Highfield School + additional education facilities.

The above is based on current demographics which can change over time and therefore the County Council would wish to be consulted on any amendments to a planning application or further applications for this site.

Planning Policy (DCC)

- 5.6 It is considered that the proposed development would provide for a sustainable form of development in an accessible location, provide for much needed affordable housing and is particularly proposed in circumstances where the District Council cannot demonstrate a five year land supply, where there would be a presumption in favour of the application proposals in terms of guidance in the NPPF and policies of the adopted DDDL. The proposed 22/ 23 affordable dwellings out of the total of 75 dwellings represents a significant benefit to the local community. The planning application site is well located to provide access for future residents of the scheme to local schools, services, retail outlets and recreational facilities. Children's play facilities, whether on or off the site, could form part of the proposed development at detailed planning application stage. There is scope for a community fund, again at detailed planning application stage, to form part of an on-going community involvement initiative.

The submitted Indicative Landscaping Masterplan proposes planting 800m of new hedgerow and 148 new trees of indigenous species. It is appreciated that the details are indicative only and that full details including mitigation planting to offset any loss of trees on site would be expected at detailed planning application stage. The site is considered to have some landscape and visual sensitivity and the County Landscape Architect disagrees with some of the findings of the submitted Landscape and Visual Impact Assessment (LVIA), particularly with some of the description of the existing landscape and the level of value of the landscape suggested by the LVIA. The County Landscape Architect considers that the overall sensitivity of the Landscape Character Type (LCT) is medium to high which is greater than that suggested by the submitted LVIA and that the proposal represents cumulative development in addition to existing new residential development nearby to create further harm to the local and wider landscape character.

The County Landscape Architect considers these effects to be greater than assessed in the LVIA. However, the efforts made to take account of the more sensitive parts of the application site are appreciated i.e. locating the proposed housing away from Chesterfield Road behind existing and proposed trees which is considered would assist in reducing some of the visual impacts. The County Landscape Architect recognises that as new planting matures any visual impacts would lessen.

As part of the SHLAA assessment the site was considered to have some landscape and visual sensitivity associated with it. The proposed site is in a greenfield, countryside location immediately adjacent to recent new development on the northern outskirts of Matlock along Chesterfield Road (A632). It is located within the Settled Valley Pastures Landscape Character Type (LCT) within the broader Dark Peak National Character Area (NCA) as defined in the Derbyshire Landscape Character Assessment. To the east, the area transitions into the more open Enclosed Moors and Heaths LCT of the Peak Fringe NCA so in some respects the site is somewhat transitional between the two LCTs being visually more open than the wider Settled Valley Pastures (more typically associated with the lower valley slopes) and predominantly defined by regular shaped fields enclosed by dry stone walls. So the fields are generally regular in shape (contrary to the LVIA description of irregular fields – para 3.17) and enclosed by dry stone walls (again contrary to the LVIA description in Table 1 & para 3.23) but with occasional scattered boundary trees, scrub and small woodland belts suggesting a mix of characteristics between the two LCTs. Although outside the Peak District National Park, the area is within the Dark Peak NCA, which comprises a significant part of that designation and at the county scale is within an area of secondary sensitivity as defined in the study to identify Areas of Multiple Environmental Sensitivity (AMES) with its particular qualities attributed to the visual unity (intactness) of the landscape and its historic values. In this context it is suggested that the landscape overall is of medium to high value at the county scale, which is significantly greater than suggested in the LVIA.

At the LCT scale the landscape is probably of a medium to high sensitivity overall by virtue of the fact that large parts of the wider landscape are protected by a national landscape designation. The overall susceptibility of the site to change is probably of a medium scale as suggested in the LVIA as a result of the fact that the Settled Valley Pastures is the area associated with settlement and tends to have greater tree cover.

So bringing these judgements together and allied to the sensitivity associated with the wider Dark Peak landscape and the AMES study, it is judged that the overall sensitivity of the LCT to be medium to high, which is greater than suggested in the LVIA. Whilst it is accepted that only a small part of the wider LCT would be affected by this proposal it is not accepted that the overall magnitude of change would be low, given the overall sensitivity of this landscape much of which is protected by designation. The argument is not accepted that small incremental damage to a larger LCT is not harmful simply as a result of scale.

At the site level the LVIA assesses the sensitivity of the landscape as medium and the magnitude of change would be high, which is generally agreed with but it is not accepted that the proximity and extent of recent development is in itself a mitigating factor to the extent that the development would only have a minor adverse effect at Year 15.

It is their opinion that this site will contribute cumulatively to the recent impacts of the new development that has taken place in a relatively sensitive landscape to create further harm to the local and wider landscape character and would judge those effects to be greater than assessed in the LVIA. That said, the overall design of the scheme has been an iterative exercise that has taken account of the more sensitive parts of the site. Setting the development back from Chesterfield Road behind an area of existing and proposed trees will certainly reduce some of the visual impacts on road users approaching the town from the north. Furthermore the removal of the eastern most field from the development land would also ensure that the most visible parts of the site in the wider landscape are also excluded. The reinstatement of boundary walls, additional tree planting, and the creation of sustainable drainage features would all secure some modest benefits for landscape character and nature conservation but overall this proposal would bring about the wholesale change of land-use from agriculture to residential and that would have an effect on both the landscape and visual amenity of the area.

Visually the site has a prominent frontage with the A632, and would be visible on approaching the town from the north. It is also visible from existing properties along Quarry Lane and from elevated locations in the wider landscape to the north-west across Chesterfield Road. Some of these effects will be mitigated by the retention of existing vegetation and by not developing the highest parts of the site, and potentially by additional tree planting. The level of impact is likely to range from low to moderate /high depending upon proximity to the site with the greatest effects likely to be from the A632 and Brickyard Cottages. Over time with new planting these effects could reduce and the fully rendered visualisations do suggest how the development would be seen on completion of the works and after a period of landscape establishment.

Key to the success of any proposed residential development in this location will be the design and layout of the individual units and the quality of the materials. Previous developments in this location were deemed acceptable based on the original layouts and design details and it is disappointing that these sites haven't delivered what was indicated in the original applications – I am particularly referring to the Bentley Bridge development to the south of this site where only the most prominent houses have delivered the design quality that was proposed. I note that the appearance (architecture, materials, etc.) would be a reserved matter but I am encouraged by the Design and Access Statement (DAS), which highlights designs and materials that would be acceptable within the context of this site and certainly suggests finishes (p.66) that would be inappropriate. It suggests that boundaries will be formed by walls and hedgerows and I would encourage DDDC to avoid close-board timber fences against open countryside or in visible locations. If DDDC are minded to approve this application then these details should be secured through the use of an appropriately worded planning condition to ensure that the requisite design quality is actually delivered.

Overall this is a prominent greenfield site in an edge of settlement location. Direct impacts on the landscape would relate to the loss of some agricultural land used for pasture and the loss of field patterns in this locality. Visually the application site is open to some views although it benefits from the natural landform and tree cover surrounding the site that provides some mitigation. The sensitivity of the landscape is recognised in the wider Dark Peak landscape and through the AMES work. This is to some extent acknowledged through the DAS with an iterative response towards site layout, design quality using vernacular materials and locally distinctive landscape features such as the use of dry stone walls. Subject to securing this design quality and vernacular detailing outlined above, it is generally considered that this is an appropriate design response and would help to address some of the identified landscape and visual impacts, although cumulatively with other recent development in the area there is no denying the effects on landscape character are greater than suggested in the LVIA.

NHS Commissioning Group

- 5.7 A contribution of £67,680 is required for enhancing capacity / infrastructure within the existing local practices of Imperial Road Surgery Matlock and Ashover Branch and Ivy Grove Surgery Matlock.

Chesterfield Royal Hospital

- 5.8 Section 106 impact on health to be considered. Initial modelling suggests that the impact of this development is up to £64k

Housing Director (DDDC)

- 5.9 The site should provide on site affordable housing, particularly given the location opposite to the affordable housing scheme over the road. The affordable contribution includes 23 homes at 30% of the total with 18 as affordable rent and 5 as affordable home ownership, which would seem to be provided as First Homes. It would be good to see shared ownership

provided on the site, as part of the 18 affordable rent units. It is appreciated that SO is a different tenure to AR but it is considered that the location would prove popular.

In any event following mix is suggested as a way forward:

18 AH (provided to the Nationally Prescribed Space Standards) comprising;
2x1 bed 2 person flats (with separate access)
4x1 bed 2 person houses
4x2 bed 4 person houses
4x3 bed 5 person houses
4x2 bed 3 person bungalows

If we can provide SO as part of the 18 AH, then I would suggest 2 of the 2 bed houses and 2 of the 3 bed houses.

5 affordable home ownership:

This is a new tenure and not one we typically provide advice on. A mix of 2 and 3 bed houses provided to the Nationally Prescribed Space Standards is suggested.

Archaeologist (DDC)

- 5.10 The application is accompanied by an archaeological desk-based assessment, a revised heritage statement and geophysical survey.

It is noted that some comparison has been carried out between the geophysics results from Gritstones Road and the current site. The parallels are not absolutely clear but there are some spikes and dipoles in the current geophysics which could relate to similar lead smelting activity. The Gritstones Road site contained fairly widespread evidence for smelting over a long period of time, from the Iron Age/Roman period into the medieval period, and this is regionally rare being something of a Peak District speciality and unusual to encounter within a large-scale development site.

The paved wagonways associated with the quarries to the south-east of Chesterfield Road. These are of late 19th century date and were identified during the neighbouring Thornberries development running from Chesterfield Road up to the quarries. Despite our best efforts a number of these features were lost because they were only identified during the course of that development, much to the disappointment of local residents. It is therefore important that such features are identified at the planning stage of the current development so that appropriate measures can be taken for their retention where possible. The applicant has provided further details of the possible paved wagonways as requested which appear to be just outside the site boundary to north and south. Because of potential impacts from boundary treatments the applicant proposes that these be addressed in the development's Construction Management Plan to ensure they are retained, and this approach is acceptable.

To investigate the potential for historic lead smelting, and to provide appropriate measures to safeguard the wagonways, there should be a scheme of archaeological work secured by condition in line with NPPF para 205. This should comprise trial trenching to establish significance, measures at the site boundaries established in the CMP, and further mitigation excavation should evaluation identified significant archaeological remains.

Tree and Landscape Officer (DDDC)

- 5.11 In terms of landscape impacts the site is visually prominent from the A615 and gently rising ground and would be visible from elevated vantage points in the wider landscape to the north-west of the site across Chesterfield Road. The site presently provides visual continuity with the rural area further northeast and to distant hills to the south. Development of this site would constitute further intrusion into the countryside extending

development into more sensitive landscape at some distance from the town centre. As a result, cumulatively with existing new development in the area, this would have a high adverse impact on landscape character, visual amenity and settlement pattern.

Should planning consent be granted for development of this site, then it is recommended that the following be considered to minimise potential harm to the character and appearance of the local landscape:

- Development density, building spacing, building size, building design, boundary treatments, off-set from the main road, etc should reflect the edge of settlement location and avoid being urban in nature.
- The site layout should maximise views through, and from within, the development out to the surrounding landscape to make the most of the site's location adjacent undeveloped countryside.
- Characteristic landscape features of the site should be retained and incorporated into the design as much as possible, including dry stone walls within the site and alongside the main road.
- Proposed hedgerows should consist of a mixture of several native woody species. This will ensure they appear appropriate in the location, have good resilience, provide good biodiversity and diverse ecological benefits.
- Proposed tree planting should consist of a mixture of native species so that they reflect the trees in the local landscape, have good resilience, provide good biodiversity and diverse ecological benefits.
- Some of the open spaces should be designated native wildflower areas with appropriate planting specifications and maintenance regimes.

The site contains numerous trees and groups of trees, many of which have been assessed as being of good to moderate quality and these should be considered constraints on development. These include individual attractive specimens and groups of trees with landscape value. There are several roadside trees and groups of trees, some of which appear to be located on the verge rather than in the site, which potentially offer valuable screening of the development.

It is recommended that all trees and tree groups identified in the submitted Preliminary Arboricultural Impact Assessment that are rated as BS5837:2012 quality A and B should be retained and incorporated into the proposed site layout if possible. As many as practicable of the lower quality trees should also be retained, if in reasonable condition. All retained trees should receive appropriate temporary protection throughout the development works. The final site layout design should be developed in conjunction with the developers arboricultural advisors to ensure it is as compatible as it can be with retention of trees.

This should include:

- provision of sufficient space for successful long-term retention and continued growth of retained and newly planted trees,
- provision of sufficient separation between development and trees to prevent trees presenting unacceptable risk of harm/damage,
- appropriate positioning of houses and gardens with respect to trees to prevent excessive shading issues,
- appropriate routing of roads to avoid encroachment into the root protection areas of retained trees,
- appropriate routing of underground services and drainage to avoid the root protection areas of retained trees.

Once the final detailed site layout is developed then an Arboricultural Method Statement should be required to be submitted for approval. This will demonstrate how the development would be constructed without harm to retained trees. The site does not include any DDDC Tree Preservation Orders and is not in a conservation area.

Therefore, none of the trees onsite are currently subject to statutory protection. No designated ancient woodland is recorded at the site or close enough to it to be affected.

Derbyshire Fire and Rescue Service

5.12 Access is considered adequate.

Derbyshire Wildlife Trust

5.13 The Ecological Impact Assessment (EclA) (Ramm Sanderson, August 2022), along with the Illustrative Layout and Design Proposals have been reviewed. The EclA is of a good standard and all surveys have been carried out in accordance with best practice guidelines. Several surveys are still to be completed and the report updated, however these results are not expected to significantly alter the conclusions made. No protected species have been confirmed as present on site, although habitats could be used by small numbers of reptiles and common amphibians. The wet woodland and woodland edge have been shown to be used by foraging and commuting bats but no roosts have been confirmed on site. Habitats of value include the wet woodland, eastern woodland and the more diverse areas of semi-improved grassland, however none of the grassland on site is of high value or would qualify a Local Wildlife Site quality.

A net gain of +3.40 habitat units (+12.79 %) and +0.75 hedgerow units (+647.37 %) is predicted using the DEFRA metric 3.1. This is compliant with national and local policy on biodiversity net gain. The proposed site layout appears fairly sympathetic, retaining the majority of the wet woodland, perimeter trees and the onsite pond, and creating areas of species-rich grassland and swales.

We do note that whilst predicting a net biodiversity gain, the trading rules have not been met for high distinctiveness habitats. There is a -0.04 unit loss of broadleaved woodland, caused by a loss of 0.003ha / 30 square metres of the onsite wet woodland. The trading rule is that losses can only be offset by the creation of the same habitat and this has not currently been accommodated within the scheme. However, whilst this technically does not comply with best practice principles for BNG, the loss equates to only 1 % of the wet woodland on site, with 99 % (0.3226 ha) retained. Given the very minor loss and considering the other ecological benefits of the scheme, we consider the proposals to be acceptable.

It is advised that any Reserved Matters application should be in line with the Illustrative Layout submitted at the Outline Planning Stage, with the aim of achieving no less than the predicted 12.79 % net gain. Detailed landscape proposals would be required to ensure the habitat enhancement and creation is realised. The retained wet woodland should be fenced off from public use to avoid disturbance by people and dogs. Offset gullies / Aco wildlife kerbs and dropped kerbs should be incorporated within the road system to allow free movement of amphibians across the site. Designated paths should be used in areas of open space to deter people from trampling the wildflower grassland. Interpretation boards are encouraged for such areas to communicate the value of these habitats to the residents. A 30 year management plan will be required, along with appropriate monitoring measures. Conditions in respect of submission of a Construction Environmental Management Plan (CEMP), Landscape and Biodiversity Enhancement Plan (LBEMP) and lighting strategy are recommended.

Environment Agency

5.14 There are no objections in principle to the reviewed Desk Study Report, and Geo-environmental Assessment, produced by PJS Geotechnical Engineers, dated March 2022 (ref: PJSG22-003-DOC-01) and July 2022 (ref: PJSG22-003-DOC-02) respectively, which have been submitted in support of this planning application (LA ref: 22/01044/OUT).

We noted an issue regarding widespread presence of elevated concentrations of Lead (Pb) within the Topsoils of both Madre Ground and naturally occurring superficial deposits. While

they agree with the findings, conclusions and recommendations produced by PJS Geotechnical Engineers pose a negligible risk to controlled waters they recommend the Local Authority Environmental Health Officer be contacted with regards to risks posed to human health.

Derbyshire Police Force Designing Out Crime Officer

- 5.15 There are no objections to the development of this land for a residential scheme from a community safety perspective. Accepting that all matters other than access are reserved for future consideration, the indicative layout presented is acceptable. Future boundary treatments would need to separate shared driveways and private curtilage from the peripheral circular public footpath routes proposed. The retention of existing stone walls and indicative planting for some of the areas concerned is noted. Clarity on the advisability of including a link into the rear of the Methodist Church is required as general circulation looks to be well provided for without this feature.

Matlock Civic Association

- 5.16 They have consistently opposed the development of unallocated greenfield sites while there remain brownfield sites - of which there are several in Matlock - which remain undeveloped despite most of them having planning consents. So long as greenfield sites continue to be approved these brownfield sites will remain undeveloped and a blight on the town. However if outline consent is to be granted – whether now or following an approved allocation in the Local Plan - then the following factors are very important and need to be incorporated into any scheme..

Materials. The applicants propose “stone, or materials of a similar colour features as the prevalent building material, with some red brick to compliment the adjacent residential areas” This is important provided the use of red brick is a small minority of the overall development. The inappropriate overuse of red bricks in recent estate developments served off Chesterfield Road must not be perpetuated.

Design. The traditional approach to scale and design is noted in the applicants’ supporting details as are their proposals relating to open space, woodland retention, new planting (including in the streets), retained and enhanced stone walls, and landscaped attenuation pond and swales. These important elements in the scheme need to be built into any approvals that may be granted.

Pedestrian Links. The proposed jitty for easy access to bus stops together with significant provision of footpaths for residents enabling a publicly accessible recreational walk within the application site is welcomed. However pedestrian links also need to be provided to link the development to existing adjacent paths. Quarry Lane to the south may not currently be a public right of way but it is a well-used link through the abandoned quarries to Foxhole Lane, Lumsdale and Tansley and links to it are needed from the new development. A new roadside path is also needed to run north along Chesterfield Road to link to the public footpath north of Brickkiln Farm leading ultimately to Ashover.

Public Car Parking. The applicant’s proposal to provide additional public onsite parking with easy access to the local Methodist Church is welcome. Since the existing layby on Chesterfield Road will be removed by the proposal it is important that the car park for Brickyard Cottages also has additional designated public spaces.

Vehicular Access. They object to the proposed point of vehicular access because:

- It is almost opposite the golf club exit leading to unsafe conflict of emerging traffic.
- A high proportion of downhill traffic is exceeding the 30mph limit at this point.
- The necessary vision splay appears to require the substantial reduction of a line of trees along the highway boundary.

The planning application appears to have no technical assessment to support the proposed access. In view of the drawbacks expressed above, this omission should be rectified during the processing of this application and an alternative access point considered.

Site Drainage. The applicant's assertion that the discharge of surface water run-off from the site will not be increased must be subject to robust testing. Downstream flooding is becoming an increasing problem and must not be made worse by any development of this site. There is also local concern on whether the foul water drainage proposals are satisfactory and this should also be carefully considered.

They recognise and welcome the applicant's responses to some of our earlier concerns and suggestions. However we are still concerned about the principle of a major permission outside the terms of the current Local Plan on a greenfield site. If, notwithstanding, outline permission is granted it is likely that further applications will be received by prospective developers (whether the current applicant or others). Consequently, it is crucial that the terms of any planning permission ensure that the points made above are recorded as conditions and thereby become a commitment that any site developers need to incorporate into any future applications.

Cllr Steve Wain

Earlier this year I attended an event at Matlock Golf Club promoted by Richborough Estates. Upon speaking with consultants from Richborough it became apparent that they were unaware of the fact that the STW infrastructure on Chesterfield was close to capacity. I advised them that there had already been significant new development within close proximity to their proposed site and surface water flows from each of the four sites had been assessed in isolation and not cumulatively.

There is also the added complication that the problematic 430 unit Gritstone Road site, only 200 metres away, has had to reduce surface water flows into the STW infrastructure by 70%, with only 20lps allowance to flow from phase 1.

The NPPF guidance is clearly shown in the 2021 DDDC Level 1 Strategic Flood Risk Assessment, on page 54.

It must also be taken into account that the cumulative impact assessment findings on table 9.4 (page 58) of the same document, clearly state that due to the severity of recent flood events within the Bentley Brook catchment, the area is now defined as a high sensitive catchment.

Richborough were also unaware that the Environment Agency are currently undertaking an area wide assessment of the Bentley Brook catchment. The results of which, are still awaited. It should be noted that surface water flows from Chesterfield Road flow into the Bentley Brook and have to pass through the at risk Bentley Brook Pump Station, to enter the river Derwent. In November 2019 flood, this Environment Agency asset was operating at maximum capacity and apparently there is not enough space to increase effectiveness.

Attached below is an email I recently sent to STW highlighting my concerns for future development on Chesterfield Road, Matlock. I believe you are aware of a response from Jack Robinson from the EA, but I ask that you contact STW as they are now stating that, "currently there is no available capacity for any additional surface water into the surface network and as such all surface water must be managed sustainably"

The community and businesses of Matlock cannot be expected to tolerate such excessive condensed overdevelopment, without firstly ensuring there is capacity within existing infrastructures. This issue must be addressed in a more comprehensive Local Plan, which includes enhanced consultation between statutory consultees and stakeholders.

Finally, as a District Councillor for the adjacent ward I also have serious concerns in relation to how this new development will blend into the landscape setting and also the fact that in my opinion this is a totally unsustainable location and will significantly increase car use into Matlock.

I do not believe DCC or DDDC have undertaken such a transport consultation and yet seem content to authorise, or recommend approval of planning applications.

Can you please advise whether you or the DCC have had sight of the recent traffic survey carried out by Matlock Town Council, which canvassed the local community opinion?

6.0 REPRESENTATIONS RECEIVED

6.1 Nineteen representations have been received and they are summarised below:-

- a) Building on more greenfield land surrounding Matlock will cause flooding.
- b) The basins suggested show they are aware they will cause flooding.
- c) Would the developers be liable if properties in Matlock were damaged due to flooding.
- d) There is no sign of new doctors or schools being built to accommodate all the extra people.
- e) There will be extra pollution caused by additional traffic joining already congested roads.
- f) Brownfield sites should be developed first.
- g) Loss of trees and wildlife.
- h) None of the dwellings have solar panels.
- i) The development is very close to Lumsdale with increases in visitors to this area of industrial heritage of national importance.
- j) This part of Matlock is losing its semi-rural character and rapidly becoming urban sprawl.
- k) The Council is committed to net zero and yet this development will result in a loss not gain.
- l) Disruption of noise, dust, vibration during construction.
- m) Damage to their house due to extra HGV traffic on Chesterfield Road.
- n) The character of the landscape has become more urbanised with recent developments and this development would remove the last piece of open green space.
- o) Why does the Dales have no houses designed to 'Passivhaus' standards.
- p) The area around the Church is prone to flooding as are the cellars of properties in Quarry Lane.
- q) Properties on Quarry Lane are built below ground level with new properties overlooking them.
- r) There is no sufficient capacity in GP surgeries, dentists and schools for the new residents.
- s) A resident of the Thornberries development identifies that a green buffer should be provided between the development and the tree line.
- t) The illustrative layout does not maintain a green buffer nor does it take on the conclusions of the SHELAA site assessment therefore creating an impact in terms of landscape and visual amenity as well as interrupting the green corridor for wildlife.
- u) No provision is made for a pedestrian crossing as the road is too narrow which is dangerous for pedestrians.
- v) Affordable homes should be built as they are in short supply.
- w) The loss of the layby will cause inadequate parking.
- x) Bats will be affected and trees lost.
- y) Existing cottages in the middle and along the edge of the fields will be swallowed on all sides by development with the resultant loss of privacy and overlooking.
- z) The recent change to a 30mph speed limit may cause accidents when drivers turn into the development.
- aa) Building on the fields will increase surface water on Quarry Lane.
- bb) The survey work was carried out after one of the driest springs and puts its accuracy in question.

- cc) There will be a loss of wildflowers and loss of habitat for Kites and Hawks.
- dd) The site is outside the current development boundary in the Local Plan which provided a sufficient supply until 2023 with no change consulted on so the houses are unnecessary and should only be allowed in exceptional circumstances.
- ee) The outlook and visual amenity from their property would be adversely affected by the change in character.
- ff) The land is unsuitable for development due to the exceptionally high water table on the lower part of the site with standing water for 10 months of the year.
- gg) The land acts as a sponge slowing the egress of water into Bentley Brook.
- hh) There are too many existing accesses on the stretch of Chesterfield Road.
- ii) The residents of Brickyard Cottages would suffer from a substantial loss of privacy and overlooking from the development.
- jj) The land is termed above the winter snow line with the fields full of natural springs.
- kk) The owners of 4 Brickyard Cottages have concerns regarding the development being overbearing, overlooking and loss of privacy to their kitchen window.
- ll) It seems to be a lot of housing on quite a small site.
- mm) It would spoil the landscape.
- nn) The owner of No. 16 Quarry Lane is concerned regarding the proximity of the nearest house to their home, the higher land level creating a sense of looming brickwork on a featureless gable.
- oo) It can take 2-3 minutes to turn out of Quarry Lane with the existing traffic.
- pp) 255 houses have already been built in the area.
- qq) Building at an altitude of 250m would not be considered in other areas.
- rr) Loss of moorland habitat.
- ss) There are already significant development already proposed in brownfield sites in Matlock.
- tt) Attenuation basis have no effect in preventing high levels of water entering Bentley Brook.
- uu) Matlock Moor Methodist Church neither support nor oppose the scheme and welcome the provision of 6 parking spaces for their visitors, the 30% affordable housing provision.
- vv) There is a concern that the attenuation pond and the surface water for the scheme may de-stabilise the foundations and fabric of the Chapel and cause damage.
- ww) The attenuation pond should be attractively landscaped.
- xx) There is a concern over the capacity of the drains to cope with an additional burden.
- yy) The loss of the layby results in inadequate provision for visitors within the site.

7.0 OFFICER APPRAISAL

- 7.1 This application seeks outline permission for up to 75 dwellings on the site, with all matters other than access reserved for subsequent approval.
- 7.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission under the Act 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) and SPD documents cited in the policy section of this report. The National Planning Policy Framework (2021) is a material consideration in respect of this application.
- 7.3 The Council is unable to demonstrate a 5 year housing land supply at this time and the tilted balance in favour of the development is engaged by virtue of Para 11d) of the National Planning Policy Framework (2021).
- 7.4 As part of the consideration of future housing needs and the Council's aspirations for growth and economic recovery, a call for sites as part of the Strategic Housing Land Availability Assessment process was undertaken between 26th May and 7th July 2021. The application site was put forward as part of this exercise. The assessment of the site, in terms of its deliverability is considered in the issues section of this report.

7.5 Having regard to the above, consultation responses and representations received and the relevant provisions of the development plan and guidance contained within the National Planning Policy Framework, the main issues to assess are:

- Suitability of the location
- The effect of the proposal on the character and identity of the settlement and the local landscape
- Impact on heritage
- Highway considerations
- Flood risk and drainage
- Residential amenity impacts
- Impact on trees, biodiversity and wildlife, and
- Developer contributions and housing mix

Suitability of Location

7.6 Notwithstanding that the Council cannot demonstrate a 5 year housing land supply at this time and the presumption in favour of the development is engaged, there are provisions in the Development Plan for housing development on the edge of first, second and third tier settlements (Policy S2) in circumstances where there is no 5 year housing land supply, subject to consideration against other policies in the Local Plan and the provisions of the NPPF. This policy recognises that the higher order settlements in the Derbyshire Dales District are best suited in terms of access to services, facilities and employment opportunities to accommodate new housing development in such a scenario.

7.7 The site is adjacent to the north eastern edge of the settlement boundary of Matlock on a main route between Matlock and Chesterfield. The site is sustainable in terms of transport provision as there are bus stops on the site's frontage and footpath improvements and a pedestrian crossing are proposed to improve the environment for pedestrians. It is within walking distance of both primary and secondary schools and a 25 minute walk to the town centre. Matlock is a first tier market town where there is a primary focus for growth and development, continuing to provide significant levels of jobs and homes and is thus a sustainable location for new development.

7.8 The site was assessed in the Council's Strategic Housing and Employment Land Availability Assessment (SHELAA) draft version in 2022 and considered to only be partially developable. It is considered that the lower parts of the site fronting Chesterfield road would be the less invasive parts of the site and mitigation could be achieved. Therefore the site is considered to be 50% developable with a housing capacity of 64 (based on a density of 30 dwellings per hectare in SHLAA 302. Based on the provision of 75 dwellings and a net site area of 2.295ha defined by the parameter plan, the development density of the Illustrative Layout would be 33 dwellings per hectare.

7.9 The site is a sustainable location immediately adjacent to the higher order settlement of Matlock where there is in principle support for residential development due to the lack of a 5 year supply of housing.

The effect of the proposal on the character and identity of the settlement and the local landscape

7.10 A key consideration in respect of this application is the impact of the development on the local landscape and character, identity and setting of the existing settlement. Policy S1 of the Adopted Derbyshire Dales Local Plan (2017) advises that development will conserve and where possible enhance the natural and historic environment, including settlements within the plan area.

- 7.11 Policy PD1 requires all development to be of high quality design that respects the character, identity and context of the Derbyshire Dales townscapes and landscapes.
- 7.12 Policy PD5 deals specifically with landscape character and advises that 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.
- 7.13 The site comprises a number of irregular-shaped fields, with the topography rising steeply towards the eastern edge. The field boundaries are mostly gritstone drystone walls with scattered trees and post and wire / rail fencing. The eastern boundary is formed by mature tree planting, which extends beyond the site. A block of woodland is located in the north part of the site separating the fields from Chesterfield Road. The south western boundary is to existing residential properties along Quarry Lane and the new development off Bentley Bridge Road. The north western boundary is to Chesterfield with the residential development off Cardinshaw Road beyond. Immediately adjacent to the western boundary of the Site lies Matlock Moor Methodist Church.
- 7.14 The site is located within the Dark Peak Landscape Character Area (LCA) and the majority of the site falls within the Settled Valley Pastures Landscape Character Type (LCT). Part of the southernmost field within the site falls within the Peak Fringe and Lower Derwent LCA and the Enclosed Moors and Heaths LCT.
- 7.15 This is a settled pastoral farming landscape on gently sloping lower valley sides, dissected by stream valleys. Dense watercourse trees, scattered boundary trees and tree groups around settlement contribute to a strongly wooded character. The site is largely reflective of the Settled Valley Pastures LCT which is characterised by: moderate to steep lower valley slopes; poorly draining soils over carboniferous shale and sandstone; pastoral farmland and improve pasture; wooded character with tree belts; streams and cloughs; scattered hedgerow trees and tree groups; small irregular fields enclosed by mixed hedgerows and drystone walls; winding lanes; small nucleated settlements and farmsteads; stone terraced housing on lower slopes with historic mills and enclosure with views filtered by trees.
- 7.16 The application is supported by a Landscape and Visual Impact Assessment (LVIA). The LVIA identifies the relevant LCA and LCT, examines the value of the landscape and the impact of the proposed development. The submitted LVIA states that the development would have a neutral impact upon the LCT and that the development would result in a moderate adverse effect at completion (year 1) reducing to a minor adverse effect at year 15 as planting and new green areas mature.
- 7.17 The site was assessed as part of the Council's Strategic Housing and Employment Land Availability Assessment (SHELAA). The draft version (2022) concludes that development of the site would have a major impact on landscape sensitivity based on the cumulative effect with existing new development. The draft SHELAA therefore only considers the site to be 50% developable with the lower parts of the site fronting Chesterfield Road being less invasive and where mitigation could be achieved. The illustrative layout submitted with this application does follow this assessment by setting back the development from Chesterfield Road and softening the impact of development by retaining existing trees and landscape features together with new tree planting.
- 7.18 The County Landscape Architect has commented on this planning application and considers that the landscape overall is of medium to high value at the county scale, which is significantly greater than suggested in the LVIA. At the LCT scale the landscape is of a medium to high sensitivity by virtue of the fact that large parts of the wider landscape are protected by a National landscape designation (the parts within the Peak District National Park). The susceptibility of the site to change is of a medium scale as suggested in the LVIA

as a result of the fact that the Settled Valley Pastures is the area associated with settlement and tends to have greater tree cover.

- 7.19 Overall the County Landscape Architect judges the sensitivity of the LCT to be medium to high which is greater than suggested by the LVIA. The overall magnitude of change would not be low given the overall sensitivity of this landscape. At the site level sensitivity the County Landscape Architect agrees with the assessment of the LIVA that sensitivity of the landscape is medium and the magnitude of change would be high. However, it is not agreed that the extent of recent development (around the site) is a mitigating factor to the extent that the development would only have a minor adverse effect at year 15. The County Landscape Architect considers that the site will contribute cumulatively to the recent impacts of the new development that has taken place and that those effects would be greater than assessed in the LVIA.
- 7.20 However, it is recognised that the proposed development takes account of the most sensitive parts of the site, setting development back from Chesterfield Road between an area of existing and proposed trees which would reduce visual impact from the road. Furthermore the removal of the easternmost field would ensure that the most visible parts of the site in the wider landscape are not developed. The reinstatement of boundary walls, additional tree planting and sustainable drainage features would also secure modest benefits. The proposal would however bring about wholesale change of land use from agriculture to residential which will have an effect on the landscape.
- 7.21 Visually the site has a prominent frontage with the A632, and is visible on approaching the town from the north. The site is also visible from properties along Quarry Lane and from elevated locations in the wider landscape to the north west. Some of the additional visual impact of the development would be mitigated by the retention of existing vegetation, new planting and by leaving the highest parts of the site undeveloped. The County Landscape Architect advises that the level of impact is likely to range from low to moderate/high depending upon proximity to the site with the greatest effects likely to be from the A632 and Brickyard Cottages. Over time with new planting these effects could reduce.
- 7.22 The County Landscape Architect concludes that the key to the success of any proposed residential development in this location would be the design and layout of the individual units and the quality of the materials and landscaping which are reserved matters. The submitted indicative plan and supporting documents do indicate that it would be possible to achieve the high quality design and layout required to mitigate visual impacts.
- 7.23 This is a relatively prominent site in an edge of settlement location. The impacts of the application are assessed by the submitted LVIA, however, having regard to the assessment within the draft SHELAA and advice from the County Landscape Architect the development would have a greater than minor adverse impact at year 15, taking into account cumulative impacts. The indicative plans show a development which responds the site and landscape character by only developing the lower parts of the site and retaining landscape features such as existing trees and drystone walls. The application also indicates that a high quality design and layout using vernacular materials would be achievable at the reserved matters stage.
- 7.24 As with any residential development, the direct impact of the proposal relates to the loss of the fields and open pasture and field patterns. Whilst it acknowledged that the impact is greater than concluded within the LVIA, on balance, the mitigation proposed by way of containment of the developable area to the lower ground and retention of trees both within the site and along Chesterfield Road would reduce the impact to one that is not considered to significantly and demonstrably outweigh the benefit of provision of 75 dwellings in a sustainable location.

Impact on Heritage

- 7.25 Policy PD2 of the Adopted Derbyshire Dales Local Plan seeks to conserve heritage assets in a manner appropriate to their significance. On consulting historic maps for the area, Brickyard Farm first appears on a map published in 1899 with only outbuildings visible on the preceding map dated 1884. On this basis, it is considered that the farm house and outbuildings in close proximity to the farm house are considered a non-designated heritage asset. The submitted Built Heritage Statement has identified Brickyard Farm as a non-designated heritage asset and considers the site makes a low positive contribution to its significance. Potential harm to Brickyard Farm is considered to be slight and in accordance with paragraph 203 of the NPPF this is balanced against its low local heritage significance.
- 7.26 Paragraph 203 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account and in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The farm house and stone outbuildings that date back to 1899 are a significant distance from the site boundary and occupy higher ground. There is an intervening field and the historic and more modern outbuildings associated with the farm block views of the development site to some extent. It is acknowledged that there would be some limited harm to the setting of this non-designated heritage asset, however, the distance coupled with the buildings in between limit this identified harm to low in terms of significance which concurs with the Built Heritage Statement submitted. Furthermore, in only partially developing the site and retaining the wooded areas and higher land to the south east further limits this harm. It is therefore considered that the impact on the significance of the non-heritage asset holds limited weight in the planning balance.

Highway considerations

- 7.27 Development plan policies require that the access serving a development is safe and the highway network can satisfactorily accommodate traffic generated by the development or can be improved as part of the development.
- 7.28 The application seeks the approval of the site access. Visibility splays of 2.4m x 120m are provided in both directions, which accord with the previous speed limit of 40mph. As this speed limit has recently reduced to 30mph as per the County Council speed limit order (June 2021) the splays would exceed the lower speed requirement. The Arboricultural Impact Assessment has a tree retention and removal plan which indicates the impact on the trees adjacent to the access. The visibility splays can be achieved with limited impact on the existing trees with the removal of two trees required to provide the access and works within varying degrees of the Root Protection Areas (RPA) of trees within the groups to the north east of the access.
- 7.29 In terms of linking the development to the surrounding area, two pedestrian links from the site onto Chesterfield Road, at the western and northern corners of the site are proposed. The northern pedestrian link would include a new footway along the southwest side of the Chesterfield Road carriageway, connecting to the existing bus stop to the north of the site and the bus stops in the vicinity of the site would be improved/upgraded to provide shelters with seating and lighting, timetable displays and raised bus boarder kerbing. At the vehicular access point, footways will be provided on both sides of the carriageway and extended along Chesterfield Road; a dropped kerb pedestrian crossing with tactile paving is also proposed just to the southwest of the access. These improvements would be secured by a condition and a Section 278 Agreement with the Highway Authority.
- 7.30 Chesterfield Road, the A632, runs along the north west edge of this site and is currently used by two local bus services both of which provide access into Matlock town centre. The

main service is the X17 which also links hourly to Walton, Chesterfield, Sheffield with some journeys extending on to both Meadowhall and Barnsley. The other service, 63, also links to Ashover, Clay Cross and Chesterfield but offers only a limited number of journeys each day although nothing on Sunday. The proposed site is thus served by a choice means of transport and proposes improvements to the infrastructure that would encourage the use of walking and public transport modes. The Travel Plan has reviewed walking distances to local facilities and services and most are under the 2km threshold based on national guidance. The Highways Authority considers the submitted Travel Plan to be sufficient and recommends a contribution towards monitoring of the Travel Plan to be included in any Section 106 agreement.

- 7.31 Safe and suitable access can be achieved together with a betterment to pedestrian and public transport access with commitments for encouraging non-car use within the Travel Plan in accordance with Policies HC19 and HC20 and with internal layouts and parking levels to be agreed as part of any reserved matters application.

Flood risk and drainage

- 7.32 Adopted Local Plan Policy PD8 directs new development away from areas of current or future flood risk and states that the development should not increase the risk of flooding elsewhere. The whole of the application site lies within Flood Zone 1 which is described as land having a less than 1 in 1,000 annual probability of river or sea flooding. The nearest Environment Agency (EA) Flood Zone extents are located approximately 80m west of the site and are attributed to the Bentley Brook.
- 7.33 A Flood Risk Assessment (FRA) has been submitted in support of the application in accordance with the requirements of the National Planning Policy Framework. Ground investigations, undertaken by PJS Geotechnical Engineers Limited in April 2022, encountered groundwater in several logs between 1.4m below ground level (bgl) in the north and 4.7m bgl in the north west of the site. Overall risk of groundwater flooding to the site is considered medium. Section 3.29 of the FRA states that “it is understood, following consultation with the public, that the area of low surface water flood risk present towards the western site boundary is runoff from the hillside that pools within the site and then flows through the stone wall on the south western boundary and along Quarry Lane towards Chesterfield Road. Therefore, the surface water mapping within this area is not entirely representative of the surface water flood risk”.
- 7.34 The Sustainable Drainage Statement states that the runoff is calculated not to exceed greenfield rates for the 1 in 100 year event and discharge rates have to be equivalent to greenfield rates up to the 1 in 100 year event plus climate change with 10% applied for urban creep. Sufficient surface water storage is thus required in the form of an attenuation pond in the north western corner adjacent to the Methodist Church with a minimal volume of 1,329 cubic metres at this outline stage to be re-calculated at detailed design stage. Further levels of treatment and storage would be provided by a swale along the western boundary of the site with check dams along its length to convey flows to the attenuation basin together with tree pits and rain gardens within the site. The Strategic Flood Risk Assessment states that the site is situated within the Bentley Brook catchment which is high sensitivity catchment whereby opportunities to provide betterment to areas downstream should be considered. (SFRA p61). It was proposed that surface water runoff from the hillside would be intercepted and diverted around the site by land drainage by either terraced swales or filter drains installed on the eastern edge conveying flows separately from the surface water on the site directing it towards Chesterfield Road as per the existing condition. Following discussions with the Lead Local Flood Authority conditions have been agreed to secure additional storage on site and appropriate land drainage routing through the proposed development and discharge.

- 7.35 The Environment Agency raise no objection to the development as the site is within Flood Zone 1 and make comments in relation to contamination. The site is situated on a Secondary Aquifer, and care should be taken to avoid the potential for pollution of the groundwater resource.
- 7.36 The application demonstrates that the development would not be at risk of flooding and subject to planning conditions to secure the approval, implementation and maintenance of an appropriate SuDS scheme and finished floor levels that the development would not increase the risk of flooding elsewhere. Foul drainage would be to the main sewer on Chesterfield Road through a S104 Agreement and Seven Trent Water confirmed in their letter dated 29th June 2022 that the additional flows from the development can be accommodated within the network (Appendix 4 of the Sustainable Drainage Statement by BWB). The application is therefore in accordance with Policy PD8 and National Planning Practice Guidance.

Residential amenity impacts

- 7.37 Adopted Local Plan Policy S1 seeks to secure development which provide a high standard of amenity for all existing and future occupants of land and buildings, ensuring communities have a healthy, safe and attractive living environment.
- 7.38 Overall the submitted indicative layout shows that there is sufficient space within the site for a development of this scale to be accommodated, however, the relationship of dwellings immediately adjacent to the south east of Brickyard Cottages requires some improvement and this would be assessed in detail at reserved matters stage. A development can be achieved that would not be overbearing or lead to any significant loss of light or privacy to any neighbouring property. The plans also show that the proposed dwellings would be provided with a high standard of amenity space with the majority shown with 10m in length rear gardens.
- 7.39 The development would therefore provide occupants a high standard of amenity and conserve the amenity, security and privacy of occupants of neighbouring properties and the living environment of the local community in accordance with policy S1 and PD1.

Impact on trees, biodiversity and wildlife

- 7.40 Policy PD6 of the Adopted Derbyshire Dales Local Plan requires that Trees, hedgerows, orchards or woodland of value should be retained and integrated within development wherever possible.
- 7.41 The Arboricultural survey identified 15 individual trees and 13 grouped trees on or adjacent to the site and identified them into the following quality and value grades:
U – One Tree
A – Three Trees
B – Five Trees and Eight Groups
C – Five Trees and Four Groups
- 7.42 The proposals necessitate the removal of three trees and parts of three groups of moderate quality and two trees and a part of one group of low quality. The survey identified that the access would necessitate the removal of one tree from G22 and one tree from G26. Both groups G22 and G21 trees would be within the visibility splay to the north east with varying degrees of incursion into the RPAs. All trees within these groups are considered category B moderate quality trees that are worthy of retention. The survey recommends that these areas of the RPA would require a no-dig approach with permeable surfacing implemented to the manufacturer's specifications. The masterplan provides an initial strategy for new area of

green space and soft-landscape features. This includes opportunities for new tree planting, including 148 new native trees 0.8km of new native hedgerow.

- 7.43 The Trees and Landscape Officer recommends that all trees and tree groups identified in the submitted Preliminary Arboricultural Impact Assessment that are rated as BS5837:2012 quality A and B should be retained and incorporated into the proposed site layout if possible. As many as practicable of the lower quality trees should also be retained, if in reasonable condition. At this stage with only access to be approved it is the removal of two trees and part of a group in order to achieve the visibility splay to be considered with layout a reserved matter. The Tree Constraints Plan shows the extent of incursion within the RPA and the recommendation is to have a no-dig approach to ensure their retention. On this basis it is considered the impact on trees in relation to the access is limited and suitable mitigation has been put forward in accordance with Policy PD6.
- 7.44 The Adopted Derbyshire Dales Local Plan (2017) seeks enhancement of biodiversity (Policy PD3) and is supported by the NPPF, paragraph 174 of which advises that planning decisions should provide net gains for biodiversity. The direction of travel and importance of improving biodiversity is also clear from the Environment Act 2021, even though the 10% requirement is not yet in force.
- 7.45 An Ecological Impact Assessment (EclA) has been submitted in support of the planning application. Protected species surveys have been undertaken as part of the EclA. The application site lies within the Impact Risk Zone for Peak Dales Special Area of Conservation (SAC) and Peak District Moors SAC/ South Pennine Moors Special Protection Area (SPA) Lumsdale Local Wildlife Site (LWS) is 265m south of the site. The submitted EclA does not consider that the proposed development would impact upon these designations.
- 7.46 The Ecological Impact Assessment confirms that no protected species have been found on site, although habitats could be used by small numbers of reptiles and common amphibians. The wet woodland and woodland edge have been shown to be used by foraging and commuting bats but no roosts have been confirmed on site. Habitats of value include the wet woodland, eastern woodland and the more diverse areas of semi-improved grassland, however none of the grassland on site is of high value or would qualify a Local Wildlife Site quality.
- 7.47 A net gain of +3.40 habitat units (+12.79 %) and +0.75 hedgerow units (+647.37 %) is predicted using the DEFRA metric 3.1. This is compliant with national and local policy on biodiversity net gain. The proposed site layout appears fairly sympathetic, retaining the majority of the wet woodland, perimeter trees and the onsite pond, and creating areas of species-rich grassland and swales. Derbyshire Wildlife Trust note that whilst predicting a net biodiversity gain, the trading rules have not been met for high distinctiveness habitats. There is a -0.04 unit loss of broadleaved woodland, caused by a loss of 0.003ha / 30 square metres of the onsite wet woodland. The trading rule is that losses can only be offset by the creation of the same habitat and this has not currently been accommodated within the scheme. However, whilst this technically does not comply with best practice principles for BNG, the loss equates to only 1 % of the wet woodland on site, with 99 % (0.3226 ha) retained. Given the very minor loss and considering the other ecological benefits of the scheme this is considered to be acceptable.
- 7.48 It is advised that any Reserved Matters application should be in line with the Illustrative Layout submitted at the Outline Planning Stage, with the aim of achieving no less than the predicted 12.79 % net gain. Detailed landscape proposals would be required to ensure the habitat enhancement and creation is realised. The site achieves in excess of the 10% minimum requirement set out in the Environmental Act and thus accords with both National Policy and Local Plan Policy PD3.

Developer contributions and housing mix

- 7.49 Policy S10 advises that suitable arrangements will be put in place to improve infrastructure, services and community facilities, where necessary when considering new development, including providing for health and social care facilities, in particular supporting the proposals that help to deliver the Derbyshire Health and Wellbeing Strategy and other improvements to support local Clinical Commissioning Groups (CCG) and facilitating enhancements to the capacity of education, training and learning establishments throughout the Plan Area.
- 7.50 The following Section 106 contributions are required to meet the demands deriving from the development.
- The NHS Commissioning Group require a contribution of £67,680 for enhancing capacity / infrastructure within the existing local practices of Imperial Road Surgery Matlock and Ashover Branch and Ivy Grove Surgery Matlock.
 - The Education Authority has indicated that a contribution of £588,694.47 towards the provision of 21 secondary places with post 16 at Highfield School + additional education facilities.
 - A contribution of £5,280 to mitigate the additional demand on library services.
 - A contribution of £3,750 which is to be payable towards Travel Plan monitoring for the development site. The contribution amount will be available to the Highway Authority over a period of 5years after the occupation of the last dwelling.
- 7.51 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. In terms of on-site provision a scheme will need to be agreed with the District Council as part of the requirements of the s106 to satisfy the relevant provisions of the development plan and national guidance and affordable housing need at that time, including provision for first homes. The applicant has put forward a scheme for 30% affordable housing provision equating to 23 homes with 18 as affordable rent and 5 as affordable home ownership, with 25% to be provided as First Homes, which is supported by the District Council's Housing Team. It is anticipated that units would be delivered on site. This is considered to constitute acceptable provision in accordance with Policy HC4.
- 7.52 Policy HC11 of the Adopted Derbyshire Dales Local Plan prescribes a housing mix to meet the District Councils housing needs and to create a sustainable, balanced and inclusive communities. An indicative housing mix of 11% one bed, 35%, two bed, 46% three bed and 8% four bed for the market housing is included within the Design and Access Statement. The Director of Housing has provided details of the mix required for the affordable housing of 33% one bed, 44% two bed and 22% three bed. These mixes are similar to that required by Policy HC11 and thus are considered acceptable.
- 7.53 Policy HC14 requires new residential developments of 11 dwellings or more to provide or contribute towards public open space and sports facilities in accordance with table 6. The SPD on Developer Contributions dated February 2020 supercedes this table as it is based on the updated study from January 2018. This 2018 study concluded that whilst the quantity and quality of open space and recreation facilities across the District are in most cases sufficient the following deficiencies were identified as likely to occur by 2033
- Parks and Gardens – 2.42ha
 - Natural and semi natural greenspaces – 16.16ha
 - Amenity greenspace – 2.54ha

- Provision for children and young people – 0.13ha
- Allotments – 0.45ha

7.54 The SPD sets out the provision per dwelling that is required to meet this identified deficiency and the proposal exceeds these requirements. For example, the SPD requirement based on 75 dwellings has a requirement for 0.012 Ha for children’s play provision whereby 0.03 Ha is proposed which amounts to three Neighbourhood Equipped Areas of Play (NEAP). The SPD has a requirement for parks and gardens which would amount to 0.07 ha and the proposal would provide 1.97 ha of semi-natural green space together with 0.023 ha of amenity green space. In this location the type of public open space proposed is more appropriate to this location than formal parks and gardens as they bring biodiversity benefits and is more in-keeping with the landscape character. Therefore this provision is considered acceptable. A requirement for allotments would not be appropriate on site given the constraints on the developable area and landscape impact, therefore an off-site contribution based on the requirement of 3.94m² per dwelling equating to £4,432.50 would be justified.

7.55 The application site includes a sufficient amount of land to deliver appropriate open space provision in accordance with the requirements of the Developer Contributions SPD (2020) as part of any subsequent approval of reserved matters application. The DAS states that it is anticipated at this stage that Children’s equipped play provided on site could take the form of natural play inclusive of features such as boulders, logs etc. The proposal exceeds the requirements within the SPD in terms of the amount of open space and a contribution for allotments can be secured through the Section 106 agreement and as such the scheme is policy compliant.

7.56 The Climate Change Statement submitted concludes that the most appropriate recognised on-site renewable energy technologies with high to medium opportunities for the site would be Solar Photovoltaic (PV); Air Source Heat Pump; and Solar Hot Water. A condition is recommended to ensure that measures are included as part of any subsequent approval of reserved matters application.

The Planning Balance

7.57 The development plan makes provision for new housing development on the edge of a tier 1 settlement in circumstances where the District Council is unable to demonstrate a five year supply of housing land. Paragraph 11 d) of the NPPF advises that decisions should apply a presumption in favour of sustainable development and grant permission unless the application of policies in the framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole. The impact on the landscape and limited impact on the setting of Brickyard Farm, a non-designated heritage asset has been assessed and weighed against the substantial weight afforded to increasing the supply of housing and are not considered to outweigh this benefit or provide a clear reason for refusing outline planning permission.

7.58 It is clear from the consideration of the main issues that the development should be approved as, subject to careful consideration of the reserved matters, there would be no significant adverse impacts or technical reasons to refuse planning permission that would significantly and demonstrably outweigh the benefits arising from the provision of market and affordable housing. Technical matters and compliance with development plan policies and national guidance can be controlled through the use of conditions and a s106 legal agreement. A recommendation of approval is put forward on this basis.

8.0 RECOMMENDATION

That authority be delegated to the Development Manager or Principal Planning Officer to grant outline planning permission upon completion of a s106 legal agreement to secure:-

- 30% of the dwellings as affordable units on-site,
- A contribution of £588,694.47 towards the provision of 21 secondary places with post 16 at Highfield School + additional education facilities.
- A contribution of £67,680 for enhancing capacity / infrastructure within the existing local practices of Imperial Road Surgery Matlock and Ashover Branch and Ivy Grove Surgery Matlock.
- A contribution of £5,280 to mitigate the additional demand on library services.
- A contribution of £3,750 which is to be payable towards Travel Plan monitoring.
- A contribution of £4,432.50 towards the provision of allotments off –site.

Subject to the following conditions:

1. Application for approval of all reserved matters must be made not later than the expiration of three years from the date of this permission. The development hereby permitted must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval of such matters on different dates, the date of the final approval of the last such matter to be approved.

Reason:

This is a statutory period which is specified in Section 92 of the Town and Country Planning Act 1990.

2. An application for details of the following matters (hereafter referred to as the “reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before the commencement of any works:-
 - a) the scale of the development;
 - b) the layout of the development;
 - c) the external appearance of the development;
 - d) the landscaping of the site.

The development shall thereafter be implemented in accordance with the approved details.

Reason:

The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015.

3. The developable area shall not exceed that set out on parameter plan no. 005 D.

Reason:

For the avoidance of doubt and to ensure a satisfactory impact on the local landscape to satisfy the requirements of Policy PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2015).

4. No development shall commence on any dwellinghouse construction until a scheme for the disposal of foul water discharge from the development and a timetable for its implementation have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme and details and permanently retained thereafter.

Reason:

To ensure that foul sewage is appropriately disposed of in accordance with the aims of Policy PD9 of the Adopted Derbyshire Dales Local Plan (2017).

5. Any approval of reserved matters application relating to the layout of the development shall include an arboricultural impact assessment which adheres to section 5.4 of BS 5837 (2012).

Reason:

To ensure an accurate assessment of the effect of the development on the trees and in the interests of visual amenity and biodiversity in accordance with policies S1, S4, PD1, and PD6 of the Adopted Derbyshire Dales Local Plan (2017).

6. No machinery shall be operated on the site, no process or operations shall be carried out and no deliveries shall be taken at or despatched from the site except between 8:00 and 18:00 hours Monday to Friday and 9:00 and 13:00 on Saturdays or at any time on Sundays and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To safeguard the residential amenity of the occupants of existing dwellings from construction activity in accordance with the aims of Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

7. The dwellings shall incorporate measures to help mitigate the effects of and adapt to climate change. The measures and timetable for delivery shall be submitted to the Local Planning Authority and approved as part of any reserved matters application. The development shall thereafter be carried out in accordance with the approved details.

Reason:

In the interests of mitigating the effects of and adapting to climate change in accordance with the aims of Policy PD7 of the Adopted Derbyshire Dales Local Plan (2017).

8. Any approval of reserved matters application relating to landscaping shall accord with the Ecological Impact Assessment achieving no less than the predicted 12.79 % net gain across the site together with appropriate habitat creation and enhancement and details of future maintenance and management. The development shall thereafter be carried out in accordance with the approved details.

Reason:

To ensure biodiversity net gain in accordance with the requirements of Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017) and paragraph 174 of the National Planning Policy Framework (2021).

9. Any approval of reserved matters application relating to landscaping and layout shall accord with the Preliminary Arboricultural Impact Assessment for the retention and enhancement of existing boundary trees and vegetation to provide a suitable landscape mitigation.

Reason:

To minimise the impact of the development on the local landscape, a nearby heritage asset and the character of the settlement in accordance with policies S1, PD2, PD5, and PD6 of the Adopted Derbyshire Dales Local Plan (2017).

10. Notwithstanding the submitted details, any approval of reserved matters application shall provide for the following overall mix of housing: 1 bed - 15%, 2- bed - 40%, 3-bed - 40% and 4+ bed - 5% unless it can be demonstrated that the character of the area, evidence of local housing need or turnover of properties would justify an alternative mix.

Reason:

To ensure an appropriate housing mix to meet the objectively assessed housing needs of district in accordance with the aims of Policy HC11 of the Adopted Derbyshire Dales Local Plan (2017).

11. No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and
1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation"

No development shall take place other than in accordance with the archaeological Written Scheme of Investigation once approved.

The development shall not be occupied until the site investigation and post investigation reporting has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation and the provision to be made for publication and dissemination of results and archive deposition has been secured.

Reason:

To safeguard the identification and recording of features of historic and/or archaeological interest associated with the site in accordance with Policy PD2 of the Adopted Derbyshire Dales Local Plan (2017).

12. Any approval of reserved matters application relating to landscaping and layout shall accord with the recommendations of the Noise Impact Assessment.

Reason:

In the interests of preserving local amenity in accordance with Policy PD9 of the Adopted Derbyshire Dales Local Plan (2017).

13. Any approval of reserved matters application relating to landscaping and layout shall accord with the recommendations of the Geotechnical Desk Study reports.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy PD9 of the Adopted Derbyshire Dales Local Plan (2017).

14. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason:

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in accordance with Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017) and paragraph 170 of the National Planning Policy Framework.

15. Except for site clearance and remediation, no development shall commence until full engineering, drainage, street lighting and construction details of the roads proposed for adoption have been submitted to and approved in writing by the Council as local planning authority. The approved scheme shall be completed in accordance with the approved details before the development is occupied/brought into use.

Reason:

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

16. No development shall commence until a scheme for the design and construction of highway improvement works has been submitted to and approved in writing by the local planning authority. For avoidance of doubt, the works shall include:

(i) Localised widening of the Chesterfield Road (A632) carriageway and provision of a minimum 2m wide footway adjacent the application site frontage on the southern side of Chesterfield Road, which involves removal/alterations to the existing layby. To DCC standard highway specification details.

(ii) The construction of the bellmouth junction to Chesterfield Road (A632), new uncontrolled pedestrian crossing points/tactile paving, to tie in with new footway provision. To DCC standard highway specification details.

(iii) Upgrading to shelters and improvements to both the northbound and southbound nearby bus stops on Chesterfield Road. The scheme shall include details of the design and appearance of the bus shelters.

(iv) Uncontrolled pedestrian crossing points (on both sides of Chesterfield Road) with tactile paving and centre traffic island/pedestrian refuge (to DCC standard highway specification details, locations to be agreed) for the purposes of easier and safer access to the northbound bus-stop on the highway.

The approved highway improvements scheme shall be completed in accordance with the approved details before the first dwelling is occupied.

Reason:

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

17. A new vehicular access shall be created to Chesterfield Road in accordance with the application drawing ref: T20531-001-Rev. B, laid out, constructed and provided with 2.4m x 120m visibility splays in both directions, the area in advance of the sightlines being maintained throughout the life of the development clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

Reason:

To ensure adequate visibility at the highway junction/site access in the interests of road safety in accordance with Policy HC19 of the Adopted Derbyshire Dales Local Plan (2017).

18. No works shall take place, including any demolition, site clearance or ground works, until a Construction Method Statement comprehensively detailing the phasing and logistics of demolition/construction has been submitted to and approved in writing by the local planning authority.

The method statement shall include, but not be limited to:

- (i) Construction traffic routes, including provision for access to the site
- (ii) Entrance/exit from the site for visitors/contractors/deliveries
- (iii) Location of directional signage within the site
- (iv) Siting of temporary containers
- (v) Parking for contractors, site operatives and visitors
- (vi) Identification of working space and extent of areas to be temporarily enclosed and secured during each phase of construction
- (vii) Temporary roads/areas of hard standing
- (viii) Schedule for large vehicles delivering/exporting materials to and from site
- (ix) Storage of materials and large/heavy vehicles/machinery on site
- (x) Measures to control noise and dust
- (xi) Details of street sweeping/street cleansing/wheelwash facilities
- (xii) Details for the recycling/disposing of waste resulting from demolition and construction works
- (xiii) Hours of working, and
- (xiv) Phasing of works including start/finish dates.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason:

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

19. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction, including a sensitive approach to site clearance to safeguard reptiles and supervised strip of Building 1 to safeguard bats, along with best practice measures to safeguard badgers, hedgehogs and nesting birds.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.

- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

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

Reason:

In order to safeguard protected and/or priority species from undue disturbance and impacts, noting that initial preparatory works could have unacceptable impacts; and in order to secure an overall biodiversity gain in accordance with Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

20. A Landscape and Biodiversity Enhancement and Management Plan (LBEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The aim of the LBEMP is to enhance and sympathetically manage the biodiversity value of onsite habitats, in line with the proposals reflected in the submitted Biodiversity Metric and to achieve no less than a +12.79 % net gain. The LBEMP should combine both the ecology and landscape disciplines and shall be suitable to provide to the management body responsible for the site. It shall include the following:-
- a) Description and location of features to be retained, created, enhanced and managed, as per the approved biodiversity metric.
 - b) Aims and objectives of management, in line with desired habitat conditions detailed in the metric.
 - c) Appropriate management methods and practices to achieve aims and objectives.
 - d) Prescriptions for management actions.
 - e) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity).
 - f) Details of the body or organization responsible for implementation of the plan.
 - g) A monitoring schedule to assess the success of the habitat creation and enhancement measures
 - h) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
 - i) Detailed habitat enhancements for wildlife, in line with British Standard 42021:2022 and the recommendations in Section 7 of the submitted Environmental Impact Assessment (Ramm Sanderson, 2022).
 - j) Details of offset gullies and drop kerbs in the road network to safeguard amphibians.
 - k) Detailed specifications for open water / swale / rain garden habitats to provide biodiversity benefits.
 - l) Requirement for a statement of compliance upon completion of planting and enhancement works.

The LBEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

Reason:

In order to safeguard protected and/or priority species from undue disturbance and impacts, noting that initial preparatory works could have unacceptable impacts; and in order to secure an overall biodiversity gain in accordance with Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

21. No development hereby approved shall take place until a scheme for the mitigation of land drainage, to intercept surface water run-off/land drainage flows from outside of the developable area, has been submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that flows from outside of the developable area are appropriately managed and mitigated to comply with the requirements of Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

22. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:

- a. BWB consulting. (Aug 2022). *Sustainable Drainage Statement*. CRM-BWB-ZZ-XX-RP-CD-0001_SDS.
- b. BWB consulting. (Aug 2022). *Flood Risk Assessment*. CRM-BWB-ZZ-XX-RP-YE-0002-FRA.

“Including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team”

- c. And DEFRA’s Non-statutory technical standards for sustainable drainage systems (March 2015),

have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason:

To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the Local Planning Authority, in advance of full planning consent being granted to comply with the requirements of Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 80 reference ID: 7-080-20150323 of the planning practice guidance. The assessment should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy:

- I. into the ground (infiltration);
- II. to a surface water body;
- III. to a surface water sewer, highway drain, or another drainage system;
- IV. to a combined sewer.

Reason:

To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options to comply with the requirements of Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

23. Prior to commencement of the development, the applicant shall submit for approval to the LPA details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection,

balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the LPA, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.

Reason:

To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development to comply with the requirements of Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

24. The attenuation pond should not be brought into use until such a time as it is fully designed and constructed in line with CIRIA SuDS manual C753 and an associated management and maintenance plan, also in line with CIRIA SuDS Manual C753 is submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed attenuation pond does not increase flood risk, that the principles of sustainable drainage are incorporated into the proposal, the system is operational prior to first use and that maintenance and management of the sustainable drainage systems is secured for the future.

25. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Reason:

To ensure that the drainage system is constructed to the national Non-statutory technical standards for sustainable drainage and CIRIA standards C753.

9.0 NOTES TO APPLICANT:

The Local Planning Authority prior to the submission of the application engaged in a positive and proactive dialogue with the applicant which resulted in the submission of a scheme that overcame initial concerns relating to surface water drainage.

The applicant is advised in respect of any future approval of reserved matters application that the dwellings should utilise vernacular materials and the development should incorporate locally distinctive landscape features.

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

This permission relates solely to the application
Location Plan 001B

Parameter Plan No. 005
Illustrative Layout Plan 006 G
Preliminary Arboricultural Impact Assessment
Design and Access Statement;
Landscape and Visual Impact Assessment;
Ecological Impact Assessment;
Built Heritage Statement.;
Archaeological Desk Based Assessment;
Flood Risk Assessment;
Sustainable Drainage Statement
Noise Impact Assessment;
Statement of Community Involvement;
Travel Plan;
Transport Assessment.
Climate Change Statement
Geo-environmental Assessment
Geo-environmental Desk Study Report
Geophysical Survey Report
Utilities Assessment Report

Local Highway Authority Advisory Notes

The Highways Authority advise that there are some design issues with the indicative internal layout of the site which may prejudice the adoption of the site as publicly maintainable highway, however the form of layout can be amended and dealt with during the reserved matters application.

1. Any recommendation for approval is also subject to a planning obligation for a Travel Plan plus monitoring under section 106 of the Town and Country Planning Act 1990 the purpose of which is to exercise controls to secure the proper transport planning of the area.
2. Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Development Control Implementation Officer - Place at County Hall, Matlock (Tel: 01629 580000).
3. It is an offence to carry out any works within the public highway without permission of the Highway Authority. The grant of planning permission will require the applicant to enter into a S278 Agreement with the Council as Highway Authority for the off-site highway works. This agreement will contain details of the improvement works, construction conditions and financial arrangements under which agreed measures can be put in place, including indemnifying the Council against third party claims. Further information please be obtained from the Development Control Implementation Officer - Place at County Hall, Matlock (Tel: 01629 580000).
4. It is an offence to carry out any works in relation to any proposed public highway without permission of the Highway Authority. Permission under the Town and Country Planning Act 1990 should not be construed as approval to the highway engineering details necessary for inclusion in an agreement under S38 of the Highways Act 1980. Any roadworks included in the application that are to be considered for adoption as maintainable highway will require a S38 Agreement. Further information can be obtained from the Development Control Implementation Officer - Place at County Hall, Matlock (Tel: 01629 580000).
5. Any temporary traffic management arrangements required in connection with this application shall be in accordance with Chapter 8 of the Traffic Signs Manual and New Roads and Streetworks Act 1991.

6. Any adjustment, re-siting and / or protection of any statutory undertaker's apparatus in the highway shall be undertaken with the prior written consent of the relevant Authority and shall be carried out at the applicant's own expense.

7. Care should be taken when determining locations of new trees/shrubs, they should be located a sufficient distance away from the highway boundary as to not affect the integrity of the boundary structure, they should also be located in areas so that when fully grown the canopy of the tree does not overhang highway land, planting proposals must be to the written approval of the Local Planning Authority, in consultation with The Highway Authority.

8. The applicant should note that planning permission does not constitute permission under the Highways Act for various activities that may be associated with the development i.e. use of the existing highway/footway/verge to: for example; deposit material, deposit skips, erect scaffolding, excavate within the highway or erect traffic management apparatus. Such activities will require the separate consent of the Highway Authority.

9. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

EA Advisory Notes

The EA advise that proposed development is located on or within 250m of a landfill site that is potentially producing landfill gas.

Landfill gas consists of methane and carbon dioxide. It is produced as the waste in the landfill site degrades. Methane can present a risk of fire and explosion. Carbon dioxide can present a risk of asphyxiation or suffocation. The trace constituents of landfill gas can be toxic and can give rise to long and short term health risks as well as odour nuisance.

The risks associated with landfill gas will depend on the controls in place to prevent uncontrolled release of landfill gas from the landfill site. Older landfill sites may have poorer controls in place and the level of risk may be higher or uncertain due to a lack of historical records of waste inputs or control measures.

Development on top of or within 50m of any permitted landfill site that accepted hazardous or non-hazardous waste should be considered very carefully, as even with appropriate building control measures in place, landfill gas can accumulate in confined spaces in gardens (e.g. sheds, small extensions) and can gain access to service pipes and drains where it can accumulate or migrate away from the site.

Under the conditions of the environmental permit for the landfill, the operator is required to monitor for sub-surface migration of landfill gas from the site. An examination of our records of this monitoring show that there no previous evidence of landfill gas migration from the site that could affect the proposed development. This environmental monitoring data from the site is available on our public register.

You should consider the potential risk to the development from landfill gas, ensuring that appropriate assessments have been carried out to identify potential risks. Where risks are identified you should ensure that measures to address these concerns are included as part of any planning permission. We would advise seeking the views of your local planning authority's Environmental Health and Building Control departments to ensure that any threats from landfill gas have been adequately addressed in the proposed development. Where this includes building construction techniques that minimise the possibility of landfill gas entering any enclosed structures on the site, you should consider the removal of permitted development rights to ensure that these prevention measures are not compromised by 165 future alterations/extensions.

The following publications provide further advice on the risks from landfill gas and ways of managing these:

- Waste Management Paper No 27
- Environment Agency LFTGN03 'Guidance on the Management of Landfill Gas'
- Building Research Establishment guidance – BR 414 'Protective Measures for Housing on Gas-contaminated Land' 2001
- Building Research Establishment guidance – BR 212 'Construction of new buildings on gas-contaminated land' 1991
- CIRIA Guidance – C665 'Assessing risks posed by hazardous ground gases to buildings' 2007

Where a development involves any significant construction or related activities, we would recommend using a management and reporting system to minimise and track the fate of construction wastes, such as that set out in PAS402: 2013, or an appropriate equivalent assurance methodology. This should ensure that any waste contractors employed are suitably responsible in ensuring waste only goes to legitimate destinations.

Land Drainage Advisory Notes

Please note that any proposals to outfall or engineer a point of discharge from any of the proposed land drainage features for this development site, directly or indirectly onto the public footway/ highway, will not be acceptable to Derbyshire County Council as the Highway Authority.

- A. The County Council does not adopt any SuDS schemes at present (although may consider ones which are served by highway drainage only). As such, it should be confirmed prior to commencement of works who will be responsible for SuDS maintenance/management once the development is completed.
- B. Any works in or nearby an ordinary watercourse may require consent under the Land Drainage Act (1991) from the County Council. For further advice, or to make an application please contact Flood.Team@derbyshire.gov.uk.
- C. No part of the proposed development shall be constructed within 5-8m of an ordinary watercourse and a minimum 3 m for a culverted watercourse (increases with size of culvert). It should be noted that DCC have an anti-culverting policy.
- D. The applicant should be mindful to obtain all the relevant information pertaining to proposed discharge in land that is not within their control, which is fundamental to allow the drainage of the proposed development site.
- E. The applicant should demonstrate, to the satisfaction of the Local Planning Authority, the appropriate level of treatment stages from the resultant surface water discharge, in line with Table 4.3 of the CIRIA SuDS Manual C753.
- F. The County Council would prefer the applicant to utilise existing landform to manage surface water in mini/sub-catchments. The applicant is advised to contact the County Council's Flood Risk Management team should any guidance on the drainage strategy for the proposed development be required.
- G. The applicant should provide a flood evacuation plan which outlines:
 - The flood warning procedure
 - A safe point of extraction

- How users can safely evacuate the site upon receipt of a flood warning
 - The areas of responsibility for those participating in the plan
 - The procedures for implementing the plan
 - How users will be made aware of flood risk
 - How users will be made aware of flood resilience
 - Who will be responsible for the update of the flood evacuation plan
- H. Flood resilience should be duly considered in the design of the new building(s) or renovation. Guidance may be found in BRE Digest 532 Parts 1 and 2, 2012 and BRE Good Building Guide 84.
- I. Surface water drainage plans should include the following:
- Rainwater pipes, gullies and drainage channels including cover levels.
 - Inspection chambers, manholes and silt traps including cover and invert levels.
 - Pipe sizes, pipe materials, gradients, flow directions and pipe numbers.
 - Soakaways, including size and material.
 - Typical inspection chamber / soakaway / silt trap and SW attenuation details.
 - Site ground levels and finished floor levels.
- J. On Site Surface Water Management;
- The site is required to accommodate rainfall volumes up to the 1% probability annual rainfall event (plus climate change) whilst ensuring no flooding to buildings or adjacent land.
 - The applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas, etc, to demonstrate how the 30 year + 35% climate change and 100 year + 40% Climate Change rainfall volumes will be controlled and accommodated. In addition, an appropriate allowance should be made for urban creep throughout the lifetime of the development as per 'BS 8582:2013 Code of Practice for Surface Water Management for Developed Sites' (to be agreed with the LLFA).
 - Production of a plan showing above ground flood pathways (where relevant) for events in excess of the 1% probability annual rainfall event, to ensure exceedance routes can be safely managed.
 - A plan detailing the impermeable area attributed to each drainage asset (pipes, swales, etc), attenuation basins/balancing ponds are to be treated as an impermeable area.

Peak Flow Control

- For greenfield developments, the peak run-off rate from the development to any highway drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event, should never exceed the peak greenfield run-off rate for the same event.
- For developments which were previously developed, the peak run-off rate from the development to any drain, sewer or surface water body for the 100% probability annual rainfall event and the 1% probability annual rainfall event must be as close as reasonably practicable to the greenfield run-off rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development, prior to redevelopment for that event.

Volume Control

- For greenfield developments, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hour 1% probability annual rainfall event must not exceed the greenfield runoff volume for the same event.
- For developments which have been previously developed, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hour 1% probability

annual rainfall event must be constrained to a value as close as is reasonably practicable to the greenfield runoff volume for the same event, but must not exceed the runoff volume for the development site prior to redevelopment for that event.

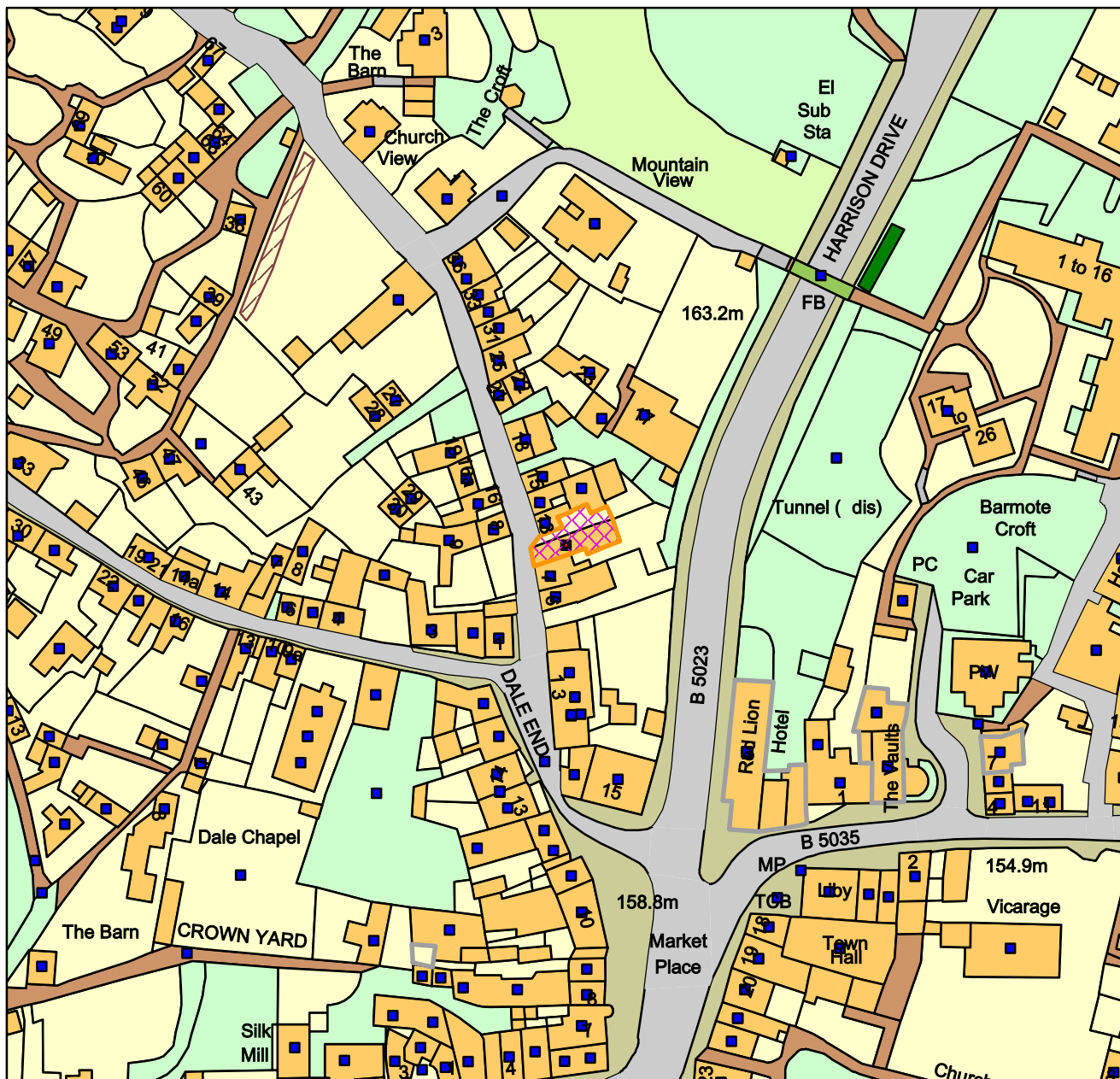
Note:- If the greenfield run-off for a site is calculated at less than 2 l/s, then a minimum of 2 l/s could be used (subject to approval from the LLFA).

- Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional.
 - Where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning signage should be provided to inform of its presence. Cellular storage and infiltration systems should not be positioned within the highway.
 - Guidance on flood pathways can be found in BS EN 752.
 - The Greenfield runoff rate which is to be used for assessing the requirements for limiting discharge flow rates and attenuation storage for a site should be calculated for the whole development area (paved and pervious surfaces - houses, gardens, roads, and other open space) that is within the area served by the drainage network, whatever the size of the site and type of drainage system. Significant green areas such as recreation parks, general public open space, etc., which are not served by the drainage system and do not play a part in the runoff management for the site, and which can be assumed to have a runoff response which is similar to that prior to the development taking place, may be excluded from the greenfield analysis.
- K. If infiltration systems are to be used for surface water disposal, the following information must be provided:
- Ground percolation tests to BRE 365.
 - Ground water levels records. Minimum 1m clearance from maximum seasonal groundwater level to base of infiltration compound. This should include assessment of relevant groundwater borehole records, maps and on-site monitoring in wells.
 - Soil / rock descriptions in accordance with BS EN ISO 14688-1:2002 or BS EN ISO 14689-1:2003.
 - Volume design calculations to 1% probability annual rainfall event + 40% climate change standard. An appropriate factor of safety should be applied to the design in accordance with CIRIA C753 – Table 25.2.
 - Location plans indicating position (soakaways serving more than one property must be located in an accessible position for maintenance). Soakaways should not be used within 5m of buildings or the highway or any other structure.
 - Drawing details including sizes and material.
 - Details of a sedimentation chamber (silt trap) upstream of the inlet should be included.
- Soakaway detailed design guidance is given in CIRIA Report 753, CIRIA Report 156 and BRE Digest 365.
- L. All Micro Drainage calculations and results must be submitted in .MDX format, to the LPA. (Other methods of drainage calculations are acceptable.)
- M. The applicant should submit a comprehensive management plan detailing how surface water shall be managed on site during the construction phase of the development ensuring there is no increase in flood risk off site or to occupied buildings within the development.
- N. The applicant should manage construction activities in line with the CIRIA Guidance on the Construction of SuDS Manual C768, to ensure that the effectiveness of proposed SuDS features is not compromised.

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22/01092/FUL

10 Greenhill, Wirksworth



Derbyshire Dales DC

1:1,250

Date: 29/11/2022

100019785

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Derbyshire Dales District Council,
Town Hall, Bank Road, Matlock, Derbyshire DE4 3NN.
Telephone: (01629) 761100.
website : www.derbyshiredales.gov.uk

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APPLICATION NUMBER		22/01092/FUL	
SITE ADDRESS:		10 Greenhill, Wirksworth, Matlock, Derbyshire, DE4 4EN	
DESCRIPTION OF DEVELOPMENT		Installation of lime render	
CASE OFFICER	Heaton Planning	APPLICANT	Miss Luka Moscetano
PARISH/TOWN	Wirksworth	AGENT	N/A
WARD MEMBER(S)	Cllr Peter Slack Cllr Mike Ratcliffe Cllr Dawn Greatorex	DETERMINATION TARGET	16 th December 2022
REASON FOR DETERMINATION BY COMMITTEE	Requested by Ward Member	REASON FOR SITE VISIT (IF APPLICABLE)	Requested by Ward Member and to assess the impact of the proposals on the character and appearance of this part of the Conservation Area

MATERIAL PLANNING ISSUES

- Whether the development respects the character of the existing dwellinghouse and the character, identity and context of this part of the settlement, and
- The impact on Wirksworth Conservation Area

RECOMMENDATION

That the application be approved with conditions.

1.0 THE SITE AND SURROUNDINGS

- 1.1 The application site comprises a traditional property faced in a mixture of stone and render in the centre of Wirksworth. The property is not listed but is covered by an Article 4 Direction removing Permitted Development rights relating to enlargement, improvement, alteration; alterations to roof; erection of porches; structures within the curtilage; hard surfacing, chimneys/flues, means of enclosure/painting and solar equipment. The property is also located within the Wirksworth Conservation Area. This part of Wirksworth is characterised by a sporadic collection of traditional buildings. The property is accessed from Greenhill by a passageway leading to a small courtyard shared with another residential property.





2.0 DETAILS OF THE APPLICATION

- 2.1 The proposed development seeks full planning permission for the application of natural lime render to the north (left hand) and south (right hand) and east (rear) elevations of the property. The render to the north elevation facing the small courtyard area would be painted Dulux Heritage Alabaster White.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

Adopted Derbyshire Dales Local Plan 2017

S1 Sustainable Development Principles

S3 Development within Defined Settlement Boundaries

PD1 Design and Place Making

PD2 Protecting the Historic Environment

Wirksworth Neighbourhood Plan 2015

NP2 Quality and Character of Development within the Settlement

Other:

The National Planning Policy Framework (2021)

National Planning Practice Guide

Wirksworth Conservation Area Appraisal (2001)

4.0 RELEVANT PLANNING HISTORY:

Not Applicable.

5.0 CONSULTATION RESPONSES

- 5.1 Wirksworth Town Council – No Comment.
- 5.2 Cllr Peter Slack – No Comment.
- 5.3 Cllr Mike Ratcliffe – No Comment.
- 5.4 Cllr Dawn Greatorex – Comments the following:

Please could this application go to committee with a view to a site visit being organised, as we need to look at the character and appearance of the area, due to Green Hill and the Dale being in a conservation area - also, the buildings are mostly limestone with limestone rendering. As an alternative, could I suggest that the Natural limestone be repointed?"

- 5.5 DDDC Conservation Officer – Comments the following:

"The applicant/agent has sought no pre-application advice or guidance from the Local Planning Authority in terms of their proposal(s).

The property is an historic cottage located on the eastern side of Greenhill within the Wirksworth Conservation Area. The property is covered by the Wirksworth Article 4 Direction. The application relates to a rear section or part of the property accessed via a pedestrian gennel. This rear section is two-storeys with a tiled pitched roof over. This section of the property is constructed from coursed rubble limestone with sandstone dressings. The north elevation is currently rendered. The east gable elevation is also rendered. The south elevation has exposed rubble limestone with a low rendered plinth.

The proposals under the application (based on the submitted details) are –

- North elevation – remove the existing render and apply a new lime render and then paint (Dulux Heritage ‘Alabaster White’),
- East Gable elevation - remove the existing render and apply a new lime render. The submitted information does not refer to painting the new render.
- South elevation – apply new lime render to the elevation (it is noted that the previous owner removed the render). The submitted information does not refer to painting the new render.

An image of the proposed texture of the new lime render has been submitted this is a smooth but lightly textured finish. This is considered to be acceptable.

The rendering of properties is not uncommon in Wirksworth and is part of the overall character and appearance of its built environment. The proposed use of a lime-based render is deemed appropriate and acceptable. With regard to the proposed painting of the render the identified colour is an off-white. Whilst this particular colour is not referred to on the Wirksworth Article 4 Direction ‘Paint Colour’ chart it is very similar in shade/hue to those off-whites etc. on the chart. In that regard, the proposed, identified, paint colour is acceptable. (The applicant should confirm, however, if the east gable end and south elevation are to be painted, prior to determination).

Subject to the above, it is considered that the proposed works to the property are acceptable and will not be harmful to the character and appearance of the building and Conservation Area.”

6.0 REPRESENTATIONS

No third party representations received by the Local Planning Authority.

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Whether the development respects the character, identity and context of this part of the settlement
- Impact on Wirksworth Conservation Area

7.1 Policy PD10 of the Adopted Derbyshire Dales Local Plan (2017) requires all development to be of high quality design that respects the character, identity and context of the Derbyshire Dales townscapes and landscapes. Policy PD1 also requires that 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. These provisions align with the requirements of Wirksworth Neighbourhood Plan (2015) Policy NP2 which requires development to reinforce local distinctiveness through the use of appropriate materials and to respect local character.

7.2 Policy PD2 supports development where it will have a safe access and will not generate traffic of a type or amount which cumulatively would cause severe impacts on the transport network, or require improvements or alterations to rural roads which could be detrimental to their character. Although the new access will be formed through the residential curtilage of the property, it will serve agricultural land beyond. Policy S4 is supportive of development that helps sustain existing agricultural and other rural based enterprises.

- 7.3 The submitted design and access statement states that the proposed work is in keeping with the Wirksworth Conservation Area; all walls had existing render and the proposal is to reinstate this. The proposed development seeks full planning permission for the application of natural lime render to the north, east and south elevations of the property. The render to the north, left hand elevation facing the small courtyard area would be painted Dulux Heritage Alabaster White. Existing render to the 'rear' would be removed and reapplied. The proposed render colour would be natural lime colour, a sample of which was submitted to the Local Planning Authority on 31/10/2022. Only the render to the north, left hand elevation would be painted Alabaster White. The proposed natural lime render would be to the rear of the property and partly replace existing worn render on the gable end and cover over the exposed stone on the south, right hand elevation to prevent damp. The reinstatement of this facing material to the property would respect the character, identity and context of this part of the settlement and would not harm this part of Wirksworth Conservation Area. The Alabaster White render colour to the north, left hand elevation is considered appropriate for the enclosed courtyard setting where the residential property opposite is painted pink. Furthermore, these elevations do not form part of the streetscene of Greenhill and are not visible from the public realm. The District Council's Conservation Officer raises no objection and considers that the proposed works to the property are acceptable and will not be harmful to the character and appearance of the building or this part of Wirksworth Conservation Area.
- 7.4 The proposed development accords with the Adopted Derbyshire Dales Local Plan (2017). A recommendation to grant planning permission subject to conditions is made on this basis.

8.0 RECOMMENDATION

That the application be approved subject to conditions.

9.0 CONDITION(S)

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

Reason:

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

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans to which this decision notice relates.

Reason:

For the avoidance of doubt and to establish the scope of the permission granted.

3. The approved render to the "left hand" elevation shall be painted in Dulux Heritage Colour: Alabaster White and thereafter retained.

Reason:

For the avoidance of doubt and to ensure a satisfactory external appearance of the property in accordance with Policy PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

4. The approved render to the “right hand” and “rear” elevations shall be Natural Lime colour as submitted to the Local Planning Authority on 31/10/2022 and thereafter retained.

Reason:

For the avoidance of doubt and to ensure a satisfactory external appearance of the property in accordance with Policy PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

10.0 NOTES TO APPLICANT:

1. The Local Planning Authority considered the application as submitted to be acceptable. On this basis, there was no need to engage with the applicant in a positive and proactive manner to resolve any problems with the application and consent was granted without negotiation.
2. This decision notice relates to the following documents received by the Local Planning Authority:
 - Planning Application Forms;
 - Design and Access Statement;
 - TQRQM22262153626610 – Site Location Plan (1:1250) 19/09/2022;
 - TQRQM22262154613047 – Block Plan (1:500) 19/09/2022;
 - Proposed Elevations (Right Hand Elevation, Rear Elevation and Left Hand Elevation) Received by the LPA 20/09/2022;
 - Proposed Natural Lime Render Colour Received by the LPA 31/10/2022.

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NOT CONFIDENTIAL - For public release

PLANNING COMMITTEE – 13th December 2022

PLANNING APPEAL – PROGRESS REPORT

Report of the Corporate Director

REFERENCE	SITE/DESCRIPTION	TYPE	DECISION/COMMENT
Southern			
17/00752/FUL	The Manor House, Church Street, Brassington	WR	Appeal being processed
21/00130/FUL	Land east of Turlowfields Lane, Hognaston	HEAR	Appeal being processed
ENF/22/00008	View House, Somersal Herbert	WR	Appeal being processed
21/01421/FUL	Long Meadows Farm, Smith Hall Lane, Hulland Ward	WR	Appeal allowed – copy of appeal decision attached – linked with 21/01436/FUL
21/01436/FUL	Long Meadows Farm, Smith Hall Lane, Hulland Ward	WR	Appeal allowed – copy of appeal decision attached – linked with 21/01421/FUL
21/01309/VCOND	Rose Cottage and Ivy Cottage, Roston Inn, Mill Lane, Roston	WR	Appeal allowed – copy of the appeal decision attached
21/01109/FUL	Land east of Nether Lane, Kirk Ireton	WR	Appeal being processed
21/01512/PDA	The Barn, Upper Lane, Biggin	WR	Appeal being processed
21/01024/VCOND	Beechmount, Pinfold Road, Bradley	WR	Appeal being processed
21/01284/FUL	Land North of the Green Hall, Ashbourne	WR	Appeal Dismissed – copy of appeal decision attached
21/01099/FUL	Land off Ashbourne Road, Brassington	WR	Appeal being processed

21/01000/FUL	Ashbourne Lodge Care Home, 80 Derby Road, Ashbourne	WR	Appeal being processed
22/00455/FUL	The Grove, Brunswood Lane, Hulland Ward, Ashbourne	WR	Appeal being processed
Central			
ENF/20/00164	Manor Lodge, Little Bolehill, Bolehill	WR	Appeal being processed
20/01247/CLEUD	Manor Lodge, Little Bolehill, Bolehill	WR	Appeal being processed
21/00927/FUL	43 St Johns Street, Wirksworth	HH	Appeal being processed
ENF/22/00045	Willersley Castle, Mill Road, Cromford	WR	Appeal being processed
22/00722/FUL	Ash Tree Cottage, Longway Bank, Whatstandwell	HOUSE	Appeal Dismissed – copy of appeal decision attached
22/00894/FUL	42 Clifton Road, Matlock Bath	HOUSE	Appeal being processed

WR - Written Representations
IH - Informal Hearing
PI – Public Inquiry
LI - Local Inquiry
HH - Householder

OFFICER RECOMMENDATION:

That the report be noted.



Appeal Decision

Site visit made on 8 November 2022

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2022

Appeal Ref: APP/P1045/D/22/3306031

Ash Tree Cottage, Longway Bank, Whatstandwell, Derbyshire DE4 5HU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Anthony Spencer against the decision of Derbyshire Dales District Council.
 - The application Ref 22/00722/FUL, dated 18 June 2022, was refused by notice dated 12 August 2022.
 - The development proposed is demolition of 2 storey annex to cottage, new build single storey front and rear extensions with new access to car parking and turning area.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description in the header above is taken from the application form. It is different to that provided on the appeal form but there is no indication that the revised description has been agreed between the parties. As such, I have used the original description.

Main Issues

3. The main issues are (i) the effect of the development on biodiversity, (ii) its effect on the character and appearance of the appeal property and the surrounding area, and (iii) its effect on the significance of the Derwent Valley Mills World Heritage Site.

Reasons

Biodiversity

4. Derbyshire Wildlife Trust (the Trust) suggests that the proposed development would potentially impact bats and their roosts that may be present in the roof voids at the appeal property. As a minimum, the Trust recommend that a preliminary bat roost assessment should be carried out. It is also suggested that evidence of nesting bird activity should be recorded.
5. The appellant contends that no such assessment is required as the proposal relates to a residential property. However, no evidence is provided to explain why a dwelling should be exempt and the appellant has not sought to dispute the Trust's view that bat roosts may be present in the roof.
6. Under the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended), I am required to consider whether European Protected

Species (EPS), such as bats, would be affected by the proposed development. Also, I am required to consider whether any measures would be effective in mitigating any harm. Policy PD3 of the Adopted Derbyshire Dales Local Plan 2017 (LP) resists development that would harm biodiversity conservation interests unless appropriate mitigation is provided.

7. Government advice at paragraph 99 of the Office of the Deputy Prime Minister Circular 06/2005 says it is essential to establish the extent to which EPS may be affected by a proposal before granting planning permission. Without the recommended assessment, there is limited knowledge on the possible presence of bat roosts and on the risk of bats being harmed by the proposed development. Also, I am unable to assess whether any mitigation measures would be effective in addressing any harm that may be caused to the bat population. The imposition of a planning condition to address this matter would not allow me to carry out a proper assessment as required under the aforementioned regulations.
8. The appellant suggests that the annex building could be demolished without the need for planning permission. Even if I accept this contention, it is unlikely that the demolition would be carried out without permission for a replacement extension being granted. In any event, the potential for works to be undertaken to the building regardless of my determination on this appeal does not remove or override my responsibility to properly consider the proposal's effect on EPS.
9. For these reasons, I conclude that insufficient information has been provided to show that the proposal would avoid harm to biodiversity, in particular bats or nesting birds. Also, insufficient information has been provided to demonstrate that any harm could be appropriately mitigated. In these regards, the development would be contrary to LP policy PD3.

Character and appearance

10. The appeal property is a single house but with 2 distinct elements. The main part is 2 storeys high with a pitched roof. It is set below the adjacent road so that its upper floor windows are at about the same level as the highway. The front of this part of the house is orientated to face down the road so that it is seen from the highway over a low boundary wall when climbing the hill. The 2 storey annex is to the side of the main house so that its flank elevation lies on the roadside boundary. This element is set on higher land so that its ground floor windows are at a similar level as the first floor windows in the main part of the dwelling. All external walls are made of stone with a fish scale tile roof on the main house, a slate roof on the 2 storey part of the annex and tiles on a single storey rear projection.
11. The appeal property lies in a small cluster of buildings on sloping land on the side of a dale. The surrounding area is largely vacant of buildings and there are extensive views of fields and mature vegetation from the site and adjoining road. The landscape is picturesque and the stone buildings in the cluster generally complement the rural feel of the area.
12. The proposed single storey front extension to the main house would be set down below road level. Even so, it would be seen from the highway over the low boundary wall, particularly when approaching the site up the hill and when close to the house. The flat roof of this extension would be out of keeping with

the pitched roofs seen on the rest of the dwelling. Also, it would be positioned to one side of the front elevation that otherwise displays a reasonable degree of symmetry. The form and positioning of the extension would unbalance the principal elevation of the house and would spoil its attractiveness by reason of its incongruity. Accordingly, the front extension would undermine the character and appearance of the area.

13. The proposed removal of the annex would be highly noticeable given its close proximity to the road. However, this element of the dwelling fails to include the symmetry that is present in the main house and it contains no particularly attractive architectural features such as chimneys or the fish scale tiling. The evidence suggests the annex was a later addition and this seems to be the case given its plainer appearance and unusual relationship with the main dwelling. The demolition of the annex would be acceptable as it is of less architectural interest compared to the building to be retained.
14. The proposed extension to replace the annex would be single storey although built at road level. It would be easily seen from the road but it would be lower than the existing annex with pitched slate roofs. Also, it would have locally sourced stone walls and so its appearance and general form would be sympathetic to the main house and the cluster of buildings.
15. In summary, I find the demolition of the annex and the replacement side and rear extension would be acceptable. However, the proposed front extension would significantly detract from the appearance of the cottage. As such, I conclude the development as a whole would harm the character and appearance of the appeal property and the area. In these regards, it would not accord with LP policies PD1 and HC10. Amongst other things, these policies look for house extensions to be of a high quality design that is in keeping with the original dwelling and its wider setting.

World Heritage Site

16. The site lies in the WHS buffer zone. The Council suggest that a key attribute of the WHS is the relict industrial landscape where late 18th and 19th century industrial development is seen in an agricultural setting. However, the proposal would affect a residence rather than any historic industrial buildings. Also, the development would be wholly within the garden area to the property and so it would not affect agricultural land. As such, the development would not harm the identified features of interest in the WHS.
17. Therefore, I conclude the proposal would not harm the significance of the WHS and so it would accord with LP policy PD2. Acceptability in these regards is a neutral factor in my assessment rather than a benefit to which I attach positive weight.

Other Matters

18. The proposed off-road parking would be in a safer and a more convenient location than existing facilities. This adds support to the scheme. Also, the proposal would enable the renovation and repair of the appeal property. The on-going use and upkeep of the house are public benefits as it contributes positively to the visual qualities of the area. However, I am unconvinced that the proposal is the only option that would allow the continuing residential use of the building. Overall, I attach only modest weight to these factors.

Planning Balance and Conclusion

19. I have found the proposal would be acceptable in terms of its effect on the significance of the WHS. However, it would be unacceptable in respect of the potential effects on biodiversity and on the character and appearance of the appeal property and surrounding area. As such, the proposal would not accord with the development plan when read as a whole. There is insufficient justification to allow the proposal contrary to the development plan policies. Therefore, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR



Appeal Decision

Site visit made on 4 October 2022

by **Samuel Watson BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 November 2022

Appeal Ref: APP/P1045/W/22/3299082

Rose Cottage and Ivy Cottage, Roston Inn, Mill Lane, Roston, DE6 2EE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mrs L Murphy against the decision of Derbyshire Dales District Council.
 - The application Ref 21/01309/VCOND, dated 25 October 2021, was refused by notice dated 7 January 2022.
 - The application sought planning permission to allow the separation of ownership and operation of the cottages and Roston Inn by not complying with a condition attached to planning permission Ref 13/00235/VCOND, dated 15 May 2014.
 - The condition in dispute is No 2 which states that: *The holiday cottages, subject to this variation of planning condition application, shall only be occupied in connection with and ancillary to the ownership/operation of the Roston Inn and at no time shall be severed and occupied as separate independent units.*
 - The reason given for the condition is: *To assist in the longer term viability of the Roston Inn and prevent any associated severance to ensure that the cottages are available in a capacity that serves the local housing needs, in accordance with the aims of Policies SF4, H4, and HC12 of the Adopted Derbyshire Dales Local Plan (2005).*
-

Decision

1. The appeal is allowed and planning permission is granted to allow the separation of ownership and operation of the cottages and public house by not complying with Condition 2 attached to planning permission 13/00235/VCOND, dated 15 May 2014 at Roston Inn, Mill Lane, Roston, Ashbourne DE6 2EE, but subject to the conditions set out below:
 - 1) The Holiday Cottages, subject to this variation of planning condition application, shall be used in either of the following ways:-
 - a. Holiday accommodation – the cottages shall not be used as the person’s sole, or main place of residence. The owners/operations of the buildings shall maintain an up-to-date register of the names and addresses of all occupiers of the cottages, and of their main home addresses, and shall make this information available upon request to the local planning authority; or,
 - b. Permanent residential accommodation – occupation of the cottages shall be limited to a person living and/or working within 3 miles of the application site, or a person with a close family connection to the area, a widow or widower of such a person, and to any resident dependants.

- 2) Prior to the holiday cottages subject to this application being occupied in the revised manner specified in condition one of this decision notice, four car parking spaces shall be provided within the Roston Inn car park for the parking of residents'/visitors' vehicles, marked, laid out, surfaced, and maintained through the life of the cottages free from any impediment to their use.
- 3) The existing field access to the south of the cottages shall be used by vehicles associated with servicing the septic tank serving the cottages only and by no other vehicles. In all other respects, the cottages shall be served via the Roston Inn car park only.

Preliminary Matters

2. The planning history at the appeal site is rather long and somewhat complex. Mindful of this, and in the interests of clarity, I have set out here the general background to the site. Planning permission was originally granted for the erection of the two cottages under reference 1295/0757, this was amended by way of a variation of condition, reference 11/00683/VCOND, that was itself subject to a further variation of condition, reference 13/00235/VCOND. This was refused but was subsequently allowed at appeal under reference APP/P1045/A/13/2210062. As the appeal before me relates to the variation of a condition imposed on this most recent permission, it is the conditions attached to this appeal that I have been mindful of.

Main Issue

3. The main issue is the effect of the proposed removal of condition 4 on the viability of Roston Inn.

Reasons

4. The appeal site is a long plot running along Mill Lane beside the junctions with Lid Lane and The Hollow. The site is subdivided in to two parts, Roston Inn and its associated space to the north of the plot, and the cottages with their garden to the south. Vehicular and pedestrian access to the cottages is achieved through the car park and garden of Roston Inn.
5. As noted above, condition 2 restricts the occupation of the cottages to being in connection with, or ancillary to, the ownership or operation of the Roston Inn. The Council's reason for imposing this condition was in order to assist the viability of the Roston Inn.
6. I understand that Roston Inn and the two cottages are owned by the appellant but that the public house is currently managed by another party. It is clear from the evidence before me that this has been the case, albeit not continuously, for some time. It is also clear from the submissions that the public house has regularly struggled to remain open. My understanding of the condition is that the Council intended the income resulting from the rent of the two cottages to subsidise the running costs of the public house. It does not appear however, that this has necessarily occurred.
7. Although condition 2 requires a connection between the cottages and public house, this can either be through ownership or operation. Therefore, although an individual or company may own both the public house and cottages, they could operate them as separate businesses. It is not required that the rent

from the cottages is put into the public house and so, especially where a separate landlord is employed to manage the public house, it is unlikely that the rent would be used to support the public house. In such a circumstance, whilst the condition would be followed, the reason for it would not be achieved.

8. Removing the condition would allow for the two cottages to be sold independently from the public house and this may be a more attractive offer for a potential purchaser. However, the evidence before me does not suitably demonstrate this to be the case, or that operating the public house independently improve its viability. Consequently, although I do not find that the removal of the condition would help the viability of the public house, I also do not find that its retention is beneficial either.
9. I note the Council's concerns that the substantive evidence before me is limited and of some age. While I am mindful of this, it is nevertheless sufficient to demonstrate that condition does not work as intended.
10. Paragraph 56 of the National Planning Policy Framework (the Framework) requires conditions to only be imposed where they are necessary, relevant to planning and to the development, enforceable, precise, and reasonable. Where a condition does not meet one or more of these six tests, it should not be imposed. As I have found the condition does not help the viability of the public house, it cannot be said to be necessary and therefore, the condition does not meet the six tests and should be removed.
11. The removal of the condition, as it has been found to not be necessary, would not adversely affect the long-term viability of Roston Inn. The proposal would therefore not conflict with Policy HC15 of the Derbyshire Dales Local Plan (the LP) which, amongst other matters, requires that developments protect and retain community facilities, including public houses. The removal of the condition would also comply with Paragraph 56 of the Framework as outlined above. Although the Council have also referred to LP Policy S4, I do not find that this is particularly relevant to the appeal before me.

Conditions

12. As I have concluded that condition 2 would not be necessary to support the viability of the public house, I have removed condition 2.
13. The guidance in the Planning Practice Guidance makes it clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect. As I have no information before me to demonstrate that the other conditions should not be reimposed, I shall impose all those that I consider remain relevant. In the event that some have in fact been discharged, that is a matter which can be addressed by the parties.

Conclusion

14. For the reasons given above, I conclude that the appeal should succeed. I will vary the planning permission by deleting the disputed conditions and by restating those conditions that are still subsisting and capable of taking effect.

Samuel Watson

INSPECTOR

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Appeal Decision

Site visit made on 25 October 2022

by Helen Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 December 2022

Appeal Ref: APP/P1045/W/22/3301540

The Green Hall, Ashbourne Green, Ashbourne DE6 1JB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms A Hunt against the decision of Derbyshire Dales District Council.
 - The application Ref 21/01284/FUL, dated 18 October 2021, was refused by notice dated 5 January 2022.
 - The development proposed is described as "replacement stable block design (as originally submitted) for previously approved scheme 20/01265/FUL. Only for the private use of The Green Hall owner. (Affecting the setting of a listed building). All other items as per previous approval."
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the proposal relates to a listed building, I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
3. Planning permission is sought for the erection of stables, a horse walker, agricultural building, and new access road. However, except for the proposed stable building, other elements of the application were previously approved under application ref: 20/01265/FUL. This previously approved scheme represents the fallback position for the appellant.
4. The Council has previously found the horse walker, agricultural building, and new access road, as proposed, to be acceptable, and I see no reason to disagree with this. As such, I shall focus my assessment on the proposed stable building, which differs from that previously approved in several ways.

Main Issue

5. The main issue is whether the proposal would preserve the setting of the Grade II listed building 'The Green Hall' (Green Hall).

Reasons

6. The appeal site comprises a parcel of undeveloped land. The designated heritage asset situated closest to the site is Green Hall and its adjacent walled

- gardens. The surrounding area is mainly open countryside, and walled garden and tennis court areas are to the south.
7. Green Hall is a two and half storey red brick country house with sandstone dressings and a slate roof. It is situated in its own private gardens, which are located within a wider countryside setting. Twin gables with decorative detailing contribute to the building's stylish and authoritative architectural presence. Consequently, this listed building embodies evidential, historic and aesthetic values, which contribute to its special interest.
 8. The verdancy and absence of built form of the appeal site contribute to the rural character of the setting of the listed country house building. These characteristics in turn support the architectural predominance and pre-eminence of the listed building.
 9. Given the above, the special interest and significance of the listed building, insofar as it relates to this appeal, derives from the legibility and predominance of its stylish historic country house architecture, within its rural context.
 10. As a part two-storey building, the proposed stable block would introduce considerable bulk and mass to the open and verdant appeal site. While the footprint of the proposed stable building would be similar to the previously approved scheme, the proposed addition of a first floor room would entail a heightened central gable with a higher ridge line and larger building mass. It would also entail more decorative architectural variety and detailing.
 11. The above would be manifested in the following. A two-storey gable projection with clock feature, sash windows and blind windows, lights and stone detailing would be added. Also, a first floor trophy and awards display room is proposed, which would result in less modesty of building mass, appearance and function than the single storey equine accommodation previously proposed and approved.
 12. The solid structure and height of the proposed stable block would make it appear prominent on site, in noticeable proximity to the listed building. The adjacent brick wall boundary would not effectively screen the roofline and the two-storey section of the proposal, which would be visible from the listed building and its walled garden. In addition, the proposed stable building would obscure views of the rear elevation of Green Hall, from pasture including the appeal site and to the north-west of it.
 13. As such, the appeal proposal would entail a stable block of noticeably large building mass and bulk, and overly decorative appearance. This would be markedly at odds with the site as it is at present, and with the open and undeveloped rural character of the wider area. The proposed stable block's scale and massing, together with the design elements identified above would result in an overly conspicuous building that would visually compete with the listed building.
 14. This would distract from appreciation of the historic exterior of the listed building, and undermine its historic architectural predominance. These adverse impacts would be noticeable from various viewpoints.
 15. Opportunities for public views of the proposed stable building would be limited due to the site's topography and the proposal's positioning adjacent to nearby trees. Even so, I consider that due to its significant size, proximity to the

heritage asset and its eye-catching design features, the proposed stable building would appear intrusive from the viewpoints where it would be visible. Furthermore, considering that listed buildings are safeguarded for their inherent architectural and historic interest, irrespective of whether or not public views of the building are available, the limiting of public views would not negate the identified harm.

16. I acknowledge that the previously approved agricultural building would obscure some views of the listed building. However, this does not negate the identified adverse impacts that would arise, given the differences between the appeal proposal and the previously approved scheme.
17. Consequently, the proposal would fail to preserve the setting of the listed building, and would harm the significance of the heritage asset. Paragraph 199 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Given the scale and substance of the proposal, I find the harm to the heritage asset to be less than substantial in this instance, but nonetheless of considerable importance and weight. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against public benefits of the proposal.
18. That the proposal would provide the appellant with a room to store equestrian trophies and awards, would be a private benefit and so not contribute to public benefits of the proposal.
19. The proposal would provide construction work for local contractors and suppliers. It would also provide employment for local people, as well as facilitating managing a couple of show jumpers and using local businesses for equestrian services and supplies. The public benefits in these respects are limited in scale and do not outweigh the great weight given to the conservation of the heritage asset, and the less than substantial harm to its significance which I have identified.
20. Reference has been made to the fallback position offered by a previous planning approval (20/01265/FUL). However, compared to the current appeal proposal before me, the previous approved stable building would have a lower ridge height and a plainer and more utilitarian design that would more sympathetically reflect its rural surroundings, within the setting of the listed building. As such, this fallback position would have different implications for the historic and built environment. Thus, it would not be as harmful as the current appeal proposal, and does not alter my findings in this case.
21. In conclusion, the proposal would fail to preserve the setting of the Green Hall listed building, with associated harm to the character and appearance of the area. As such, the proposal conflicts with Policies S4, PD1 and PD2 of the Derbyshire Dales Local Plan (2017). Together, these policies seek to ensure, among other things, that development conserves heritage assets in a manner appropriate to their significance, including through protecting their settings, and does not have an adverse impact upon the character of the area.
22. Also, the proposal would not accord with the policies of section 16 of the Framework which seek to conserve and enhance the historic environment.

Other Matters

23. The Grade II listed Green Hall Cottage is located to the immediate north-east of the hall. The Council has not raised concern regarding effect on this heritage asset. Based on the evidence before me and the observations I made during my site visit, I find that the proposal would have a neutral effect on the significance of this listed building and would preserve its setting due to the separation distance from the appeal site. However, this is a neutral effect which does not weigh in favour of the proposal.
24. The Council did not refuse the application on matters relating to highway safety or the living conditions of neighbouring occupiers. Also, there have been no objections from neighbours. These are neutral matters which do not weigh in favour of the proposal.

Conclusion

25. The proposed development would be contrary to the development plan and Framework and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal fails.

Helen Smith

INSPECTOR

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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