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Thursday, 30 March 2023

To All Councillors:

As a Member or Substitute of the **Planning Committee**, please treat this as your summons to attend a meeting on **Tuesday, 11 April 2023 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](mailto:committee@derbyshiredales.gov.uk)

## AGENDA

**SITE VISITS:** Attached to the agenda is a list of sites the Committee will visit (**by coach**) on **Tuesday, 11 April 2023**. A presentation with photographs and diagrams will be available at the meeting for all applications including those visited by the Committee.

### 1. APOLOGIES FOR ABSENCE

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

## **2. APPROVAL OF MINUTES OF PREVIOUS MEETING (Pages 9 - 12)**

14 March 2023

## **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 [Speak at Planning Committee](#). Alternatively email: [committee@derbyshiredales.gov.uk](mailto: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. 22/00641/REM (Pages 13 - 50)**

Reserved matters application for the erection of 367 no. dwellinghouses with associated access, infrastructure and landscaping pursuant to hybrid planning permission reference number 19/01274/FUL at Land between Ashbourne Airfield and Derby Road, Yeldersley.

### **5.2. APPLICATION NO. 22/00642/FUL (Pages 51 - 86)**

Erection of 101 no. dwellinghouses with associated access, infrastructure and landscaping at Land between Ashbourne Airfield and Derby Road, Yeldersley.

### **5.3. APPLICATION NO. 22/01010/FUL (Pages 87 - 102)**

Erection of 2 no. holiday let accommodation units and erection 1no. holiday pod at Woodside, Chesterfield Road, Rowsley, Matlock, DE4 2NL.

### **5.4. APPLICATION NO. 22/01190/FUL (Pages 103 - 132)**

Erection of 47 no. dwellinghouses with garages and associated infrastructure and landscaping at Land north east of Tansley House Gardens, Tansley, DE4 5HQ.

### **5.5. APPLICATION NO. 22/01316/FUL (Pages 133 - 168)**

Construction of replacement mixed use discovery centre with associated landscaping, drainage and car parking at The National Stone Centre, Porter Lane, Middleton By Wirksworth.

### **5.6. APPLICATION NO. 22/01381/FUL (Pages 169 - 176)**

Proposed extension to existing agricultural storage building at Land Opposite Ley Hill Farm, Brocksford, Doveridge, Ashbourne, DE6 5PA.

### **5.7. APPLICATION NO. 22/00025/FUL (Pages 177 - 188)**

Change of use of land for glamping site comprising the siting of 10no. bell tents, 10no. shepherd huts/timber pods, 4no. bathroom units, 2no. woodland lodges and operations comprising creation of a track, car park, ancillary buildings and associated landscaping at Land East of Turlowfields Lane, Hognaston, Ashbourne, Derbyshire, DE6 1PW.

## **6. APPEALS PROGRESS REPORT (Pages 189 - 208)**

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, 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 **12:20pm prompt on Tuesday, 11 April 2023**, before leaving (**by coach**) at **12:30pm** to visit the sites as detailed in the included itinerary.

## **COMMITTEE SITE MEETING PROCEDURE**

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

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



## **PUBLIC PARTICIPATION**

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

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

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

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

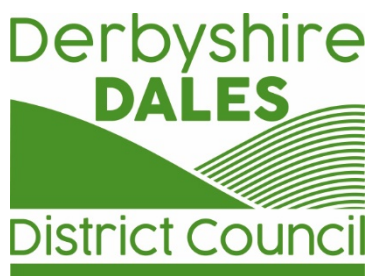
- g) After the presentation it will be for the Chairman to decide whether any points need further elaboration or whether any questions which have been raised need to be dealt with by Officers.
- h) The relevant Committee Chairman shall exercise discretion during the meeting to rule out immediately any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

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## SITE VISITS

<b>LEAVE OFFICE</b>		<b>12.30</b>
22/01381/FUL	Land Opposite Ley Hill Farm Brocksford Doveridge Ashbourne DE6 5PA	13.15 (10 mins)
22/00642/FUL & 22/00641/REM	Land Between Ashbourne Airfield And Derby Road Yeldersley Derbyshire	13.55 (25 mins)
23/00025/FUL	Land East Of Turlowfields Lane Hognaston Ashbourne Derbyshire DE6 1PW	14.30 (15 mins)
22/01316/FUL	The National Stone Centre Porter Lane Middleton By Wirksworth Matlock Derbyshire DE4 4LS	15.00 (15 mins)
22/01010/FUL	Woodside Chesterfield Road Rowsley Matlock Derbyshire DE4 2NL	15.40 (15 mins)
22/01190/FUL	Land North East Of Tansley House Gardens Tansley Derbyshire	16.10 (15 mins)
<b>RETURN</b>		<b>16.30</b>

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## Planning Committee

**Minutes of a Planning Committee meeting held at 6.00 pm on Tuesday, 14th March, 2023 in the Council Chamber, Town Hall, Matlock, DE4 3NN.**

**PRESENT** Councillor Jason Atkin - In the Chair

Councillors: Jacqueline Allison, Robert Archer, Sue Burfoot, Neil Buttle, Tom Donnelly, Graham Elliott, Richard FitzHerbert, David Hughes and Peter Slack

Present as Substitute - Councillors: Mark Wakeman

Members of the Public – 25

### **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): Helen Froggatt, Stuart Lees, Peter O'Brien and Janet Rose

### **329/22 - 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 14 February 2023 be approved as a correct record.

The Chairman declared the motion **CARRIED**.

### **330/22 - INTERESTS**

There were no declarations of interest.

### **331/22 - APPLICATION NO. 22/01299/FUL**

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

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

It was moved by Councillor Tom Donnelly, seconded by Councillor Richard FitzHerbert and

**RESOLVED** (unanimously)

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

The Chairman declared the motion **CARRIED**.

### **332/22 - APPLICATION NO. 22/01373/OUT**

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 Andrew Stock (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 a summary of additional information submitted by the applicant including: an amended proposed site access drawing; Transport Assessment; amended Residential Travel Plan; letter from York Archaeology; and a rebuttal letter in regard to heritage issues. Comments received from the Highway Authority, DCC Development Control Archaeologist and from the agent regarding the former allotments on the site were also summarised.

It was moved by Councillor Sue Burfoot, seconded by Councillor Richard FitzHerbert and

**RESOLVED** (unanimously)

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

The Chairman declared the motion **CARRIED**.

### **333/22 - APPLICATION NO. 23/00069/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 Stuart Atkinson (Applicant) spoke in support of the application. Ms Bo Hamilton-Cody (Local Resident) and Ms Lizzie Watt (Local Resident) spoke against the application, Councillor David Mowle (Matlock Bath Parish Council) 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 the Local Highway Authority, District Council's Design and Conservation Officer, Derbyshire Wildlife Trust and Local Residents. A correction to the report which stated the site was located within the Derwent Valley Mills World Heritage Site, the site is however located within the World Heritage Site Buffer Zone.

It was moved by Councillor Richard FitzHerbert, seconded by Councillor David Hughes and

## **RESOLVED**

That planning permission be approved subject to the conditions set out in the report with the following additional condition:

1. No development shall commence until a Construction Management Plan (to minimise the impacts of construction upon residents and the local area) has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved Construction Management Plan.

Reason:

To minimise the impacts of construction upon the amenity of neighbouring properties and the local area in accordance with policies PD1 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

## **Voting**

**6 For (Chair's casting vote used)**

**5 Against**

**1 Abstentions**

The Chairman declared the motion **CARRIED**.

## **334/22 - APPLICATION NO. 23/00038/OUT**

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, Claire Preston (Agent) spoke in support of the application. Mrs Paula Groom (Local Resident), Mr Simon Groom (Local Resident) and Cllr. Arthur Champion (Hulland Ward Parish Council) 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 a letter from the agent, a letter from the applicants solicitor and a location plan with the access corridor shown in yellow.

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

## **RESOLVED**

That planning permission be refused for the following reasons:

The development would be served off a shared driveway, which due to its close proximity to existing housing, width and lack of dedicated footways would present access difficulties, lead to pedestrian and vehicular conflict, result in a loss of amenity and would not provide a safe means of access by foot, thereby leading to danger and inconvenience to highway users contrary to the requirements of Policies S4 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

## **Voting**

**7 For**

**2 Against**

**2 Abstentions**

The Chairman declared the motion **CARRIED**.

## **335/22 - APPEALS PROGRESS REPORT**

It was moved by Councillor Jason Atkin, seconded by Councillor Richard FitzHerbert and

**RESOLVED** (unanimously)

That the report be noted.

The Chairman declared the motion **CARRIED**.

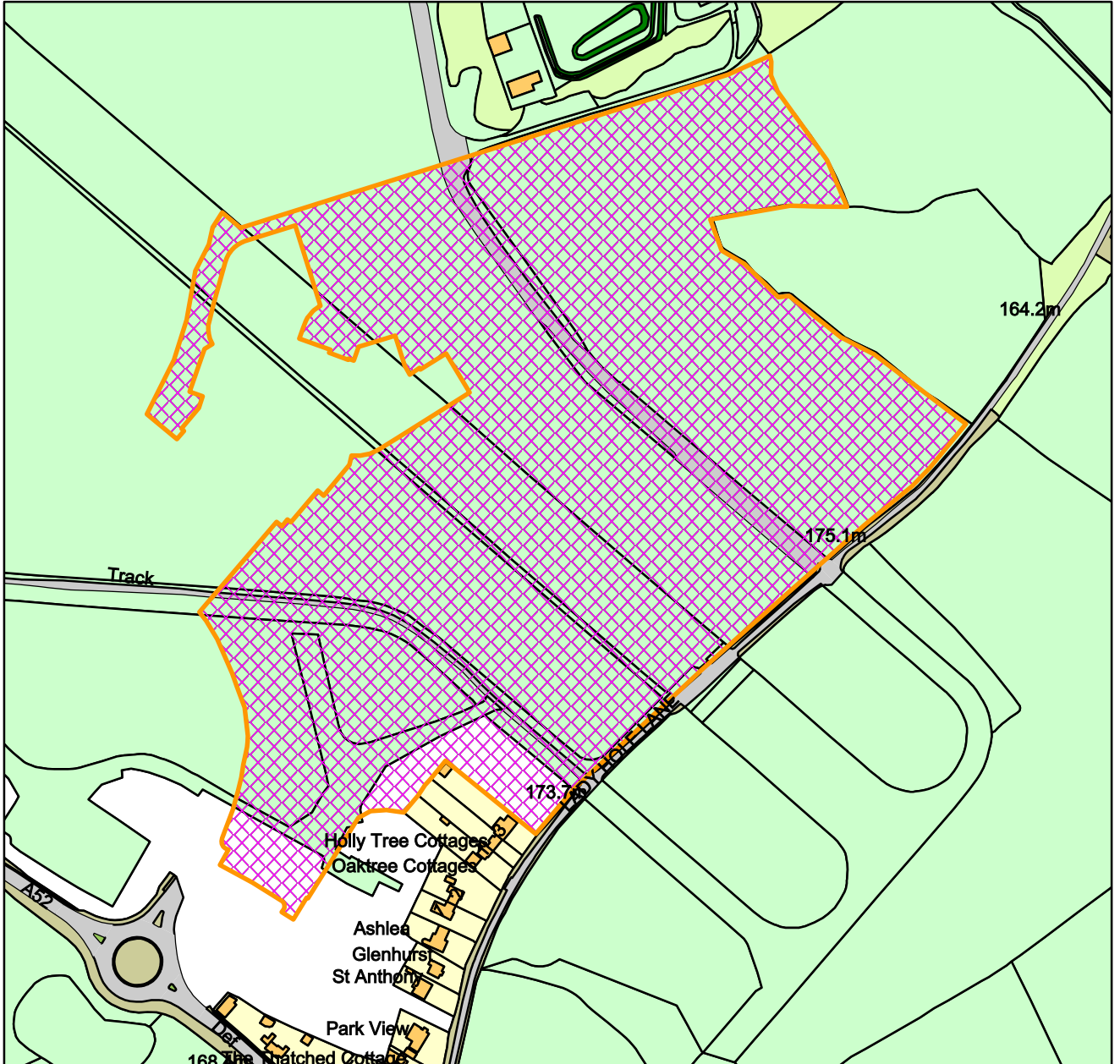
**Meeting Closed: 7.56 pm**

**Chairman**



22/00641/REM

Land Between Ashbourne Airfield And Derby Road Yeldersley Derbyshire



Derbyshire Dales DC

1:4,000

Date: 30/03/2023

100019785

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<b>APPLICATION NUMBER</b>		22/00641/REM	
<b>SITE ADDRESS:</b>		Land Between Ashbourne Airfield And Derby Road, Yeldersley	
<b>DESCRIPTION OF DEVELOPMENT</b>		Reserved matters application for the erection of 367 no. dwellinghouses with associated access, infrastructure and landscaping pursuant to hybrid planning permission reference number 19/01274/FUL	
<b>CASE OFFICER</b>	Mr Chris Whitmore	<b>APPLICANT</b>	Helen Bareford (FW Harrison Estates Ltd and David Wilson Homes East Midlands)
<b>PARISH</b>	Osmaston and Yeldersley	<b>AGENT</b>	None
<b>WARD MEMBER(S)</b>	Cllr. Andrew Shirley	<b>DETERMINATION TARGET</b>	14 <sup>th</sup> September 2022 (EOT agreed up to the 15 <sup>th</sup> April 2023)
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	Major application	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	At the request of Officers to enable Members to fully assess the impact of the development on the surrounding area

<b>MATERIAL PLANNING ISSUES</b>
<ul style="list-style-type: none"> <li>• The appropriateness of the layout, scale and appearance of the development and associated landscaping;</li> <li>• The impact on adjacent land users, including the residential amenity of the occupants of existing dwellings along Lady Hole Lane;</li> <li>• Protected species and biodiversity;</li> <li>• Open space and outdoor recreation requirements;</li> <li>• Highway / pedestrian safety;</li> <li>• Measures to mitigate the effects of and adapt to climate change;</li> <li>• Surface water drainage requirements.</li> </ul>

<b>RECOMMENDATION</b>
That the application be refused.

## 1. THE SITE AND SURROUNDINGS

- 1.1 The application site comprises a 13.48 hectare parcel of land located to the north of the junction of the A52 and Ladyhole Lane immediately to the south-east of Ashbourne Airfield Industrial Estate within the parish of Yeldersley. At its western edge the application site is bound by the new link road and approved business park extension, forming part of the Airfield Industrial Estate. The site extends across the former airfield, now agricultural land crossed by former runways, to incorporate land up to the southern boundary of land recently utilised by JCB as a training facility.
- 1.2. The site boundary returns south-east along the boundary of the airfield to meet Ladyhole Lane. The land to the north at this point is open agricultural land. The site boundary then extends down Ladyhole Lane to the south-west with open land and former runway to the east. The boundary then follows the rear boundaries of three properties to the west of Ladyhole Lane, up to where a recently constructed attenuation basin has been constructed. The site then returns around this feature up to the new link road which forms the south western boundary. The site comprises approximately 86% of the site identified for 367 dwellings in outline under application code ref. 19/01274/FUL, with the remaining 14% to the north west.
- 1.3 The site is generally flat, as you might expect for a former airfield, with only land to the north-east falling away / having any significant change in levels.
- 1.4 The site is included within the Settlement Framework Boundary for Ashbourne and has plan allocation DS1 for a combination of employment and housing.
- 1.5 The Grade II Listed “Thatched Cottage” sits to the south east of the site fronting the A52. Bradley Woods, a Derbyshire Wildlife site, lies close to the northern boundary of the site whilst Osmaston Conservation Area is approximately 450m to the south at its closest point.







## 2. DETAILS OF THE APPLICATION

- 2.1 This application follows the grant of hybrid planning application code ref. 19/01274/FUL which gave outline planning permission (with all matters reserved) for 367 dwellings (with integrated open space), up to 10 hectares of employment land (B1, B2 and B8 business uses), a commercial hub incorporating A1 (Shops) / A2 (Professional / Financial Services), A3 (Restaurants and Cafes) / A4 (Drinking Establishments), D1 (Non-residential Institutions) and C1 (Hotel) uses with associated highways and drainage infrastructure and full planning permission for the erection of one industrial unit (B1, B2 and B8 business uses), the access via a roundabout from the A52, the link road through from this to Blenheim Road and the formation of the surface water detention basin on land forming the vast majority of strategic housing and employment land allocation DS1 of the Adopted Derbyshire Dales Local Plan.
- 2.2 This application seeks approval of all of the matters reserved in respect of the housing component of the outline planning permission, namely access, appearance, landscaping, layout and scale. Approval of reserved matters is sought to construct 367 dwellings on 86% of land approved for housing development under the aforementioned application.
- 2.3 The roundabout and roundabout arm at the site entrance have been formed and the attenuation basin and link road through the site have been constructed, with the opening of the link road anticipated in the near future, following adoption by the Local Highway Authority.
- 2.4 As stated in the supporting planning statement the hybrid application and associated decision notice contained a number of conditions, including a condition to agree the provision of a site wide masterplan to ensure the comprehensive delivery of the development and appropriate employment provision (to satisfy policy DS1). The hybrid application also included a detailed surface water strategy for the employment land and associated development. When a decision was taken in respect of planning application code ref. 19/01274/FUL the majority of the site had extant planning permission for the uses and quantum of development proposed, which was a material consideration at that time. This extant permission included 10.7% affordable housing, £2.2 million of education contributions, £243,000 contribution to highway improvements, travel plan costs of £12,500, bus service establishment provision of £250,000 and compensatory land management for lapwings following consideration of a viability argument that was presented. These contributions were repeated in respect of hybrid planning permission. A £176,256 health care contribution was also secured.
- 2.5 This application comprises one of two applications, with a separate full planning application submitted for 101 dwellings on the remaining 14% of the site identified for housing development to the north west (originally 102 dwellings). The north western half of the site is to be built out by Barratt Homes and the south eastern half by David Wilson Homes. The supporting planning statement advises that “this will add more variety to the area through the different house types, creating greater visual interest and more consumer choice”. This application concerns part of the site to be built out by Barratt Homes and all of the David Wilson Homes area.
- 2.6 The proposed dwellings will comprise a mix of houses, apartment and maisonette house types. The buildings are 2-3 storeys high and are of traditional design and form. The appearance of dwellings and materials are described in the supporting Design and Access Statement. Following a review of the design of by an Independent urban designer, the scheme has been amended, as reflected in the amended composite site layout and elevation plans of the individual dwelling types received. 4 no. red and 2 no. buff bricks are proposed and reconstituted stone to the walls and 1 large format at 2 smaller format concrete

tiles (including a pantile) are proposed. Weber monocouche render to certain building types walls is also proposed.

2.7 The proposed development in its amended form, comprises housing development either side of a linear park / area of open space, which runs through the centre of the site in a south west to north east alignment. Access to the development would be off the new link road. A networks of roads, with individual turning heads will then serve the houses. Density across the development is generally consistent. A service road is shown crossing the site from Lady Hole Lane to accommodate the legal right of access to JCBs training facility. This is one of two routes that cross the linear park, with the second route forming a core of higher density, three storey housing and a square, comprising a service road and hard standing. At the north eastern end of the site, where the land falls away a large attenuation basin is proposed.

2.8 The amended scheme proposes the following mix of, 2, 2.5 and 3 storey open market housing on the part of the site, the subject of this approval of reserved matters application:

- 10 x 1-bedroom dwellings
- 46 x 2-bedroom dwellings
- 169 x 3-bedroom dwellings
- 82 x 4-bedroom dwellings
- 21 x 5-bedroom dwellings

and the following mix of affordable housing, comprising maisonettes and houses:

- 12 x 1-bedroom units
- 27 x 2-bedroom units

2.9 The applicant has not updated their Design and Access Statement in respect of the amended scheme, however they have provided some commentary on the assessment of the scheme against National Design Guidance criteria. Pertinent comments in respect of the development are as follows:

- The proposals (layout, scale, massing, appearance & landscaping) take into consideration the design principles of the adjacent DWH scheme off Old Derby Road and other nearby housing areas in Ashbourne, however a more contemporary aesthetic is proposed for the dwellings to provide a distinct identity.
- The stone block materials used for key areas of housing throughout the site reflects local material uses and the wider vernacular.
- The form of the layout has been designed in accordance with the location of the new local retail centre (location of retail/employment/entertainment (pub, restaurant/hotel) previously approved via condition).
- The location and shape of the public open space provides connectivity towards the retail centre, and additional landscape areas help screen proposed heavier industrial uses to the north west. Key gateway building blocks and landscape led entrance features provide a clear sense of arrival and departure.
- Lower density housing is proposed along the development edges to respect the surrounding countryside edge with higher density areas concentrated in the core of the development.
- The spine road of the development and block structures have been realigned to respect and retain the alignment of the historical runway on the airfield. A vista is created from Lady Hole Lane through to the core of the development.

- A village core has been designed, to include seating areas and information boards on the past use of the site for learning and reflection.
- The build line on Lady Hole Lane reflects existing residential properties with softer landscaped edges, with turning heads providing opportunities for views through the site.
- The central landscape-led green corridor has been re-aligned to create stronger defined linear edges with significantly less frontage car parking.
- Perimeter building blocks have been improved to create a high quality central core for the development. Elsewhere the layout uses dual aspect and corner turner house types and selective materials to create distinctive feature plots and way-finding throughout streets.
- Outward facing scheme with perimeter footpath links and cul-de-sac turning heads adjacent to site boundaries ensures that connections to potential future adjacent development is achievable.
- A gateway feature is proposed on potential Phase 2 connection to create a sense of arrival and departure. Residential development is within walking distance of bus stops located on Harrison Way. Walking/cycling encouraged by the numerous non-vehicular links through the development.
- There are multiple pedestrian / cycle connections throughout the interior and perimeter of the development to any potential future extensions.
- The main spine road through the site is a tree lined boulevard.
- Internal spine road loop provided with secondary roads and edge lanes with outward facing turning heads to allow for connection to possible future phases.
- The development is well connected to the retail aspects approved under the hybrid planning permission, and well screened from heavier commercial uses
- The development proposals integrate existing and new natural features that will support and enhance biodiversity.
- The streetscapes fronting the green areas are varied, with reduced areas of car parking integrated well with soft landscaping to soften the hardstanding spaces.
- The central linear green space has been improved as described above and now offers lots of opportunity for varied amenity/recreation and community uses.
- Outward facing dwellings mean all areas of POS have natural surveillance.
- Various street typologies are designed into the scheme with a clear hierarchy.
- The primary street incorporates frontage parking to one side of the highway to create a wider street mixed with tree lined corridors.
- Frontage parking on the primary street has been reduced.



2.10 In addition to the Design and Access Statement, amended planning drawings, the above commentary which assesses the scheme against National Design Criteria, the application is accompanied by the following documents:

- Materials Palette
- Updated Ecology Report (FPCR)
- Travel Plan and Transport Assessment Update (BWB)
- Energy Statement (Briary Energy)
- Drainage Statement (Development Design Solutions)
- Updated Landscape Plans and Landscape Management Plan (Golby & Luck)
- Phase II Site Appraisal (Contamination and Geotechnical Assessment) by GRM.

These documents have been made available for examination and comment and circulated to consultees and in the case of amended plans and documents re-consulted on. They are referred to, where necessary, and pertinent in the officer appraisal section of this report.

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

#### **3.1 The Development Plan**

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

S1	Sustainable Development Principles
S3	Development within Defined Settlement Boundaries
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
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
HC2(c)(d)	Housing Land Allocations
HC4	Affordable Housing
HC11	Housing Mix and Type
HC14	Open Space, Sports and Recreation Facilities
HC15	Community Facilities and Services
HC18	Provision of Public Transport Facilities
HC19	Accessibility and Transport
HC20	Managing Travel Demand
HC21	Car Parking Standards
EC1	New Employment Development
EC6	Town and Local Centres
DS1	Land at Ashbourne Airfield (Phase 1), Ashbourne
DS8	Land at Ashbourne Airfield (Phase 2), Ashbourne

#### **3.2 Other Material Considerations:**

National Planning Policy Framework (2021)  
National Planning Practice Guidance  
Ashbourne Neighbourhood Plan (July 2021)  
National Design Guidance  
Climate Change Supplementary Planning Document (SPD) (2021)

#### 4. RELEVANT PLANNING HISTORY

19/01274/FUL	Hybrid planning application comprising of an outline planning application (all matters reserved) for up to 367 dwellings (with integrated open space), up to 10 hectares of employment land (B1, B2 and B8 business uses), a commercial hub incorporating A1 (Shops) /A2 (Professional/ Financial services), A3 (Restaurants and Cafes)/A4 (Drinking Establishments), D1 (Non-Residential Institutions) and C1 (Hotels) uses and associated highways and drainage infrastructure and a full planning application for the erection of 1no. Industrial unit (B1, B2 and B8 business uses) with access via roundabout and link road and for the formation of an attenuation pond – Granted
14/00074/OUT	Residential development (367 dwellings), employment site, commercial and community facilities, link road, access and landscaping – Granted
14/00075/FUL	Formation of vehicular access to employment site – Land to West – Granted
16/00168/FUL	Formation of new link road – Granted
17/01142/FUL	Variation of link road design incorporating enlarged drainage facility and foul pumping station – Granted
18/00767/VCOND	Variation of conditions 6 and 7 of planning application 14/00074/OUT to allow a start to be made on site prior to road improvements being carried out – Granted
CD3/0419/1	Provision of 40m diameter roundabout junction – Granted
CD3/0819/38	Installation of 50m diameter roundabout junction – Granted

#### 5. CONSULTATION RESPONSES

##### 5.1 Osmaston and Yeldersley Parish Council:

###### Comments on the original scheme:

Object, for the following reasons:

1) Lack of an overall Development Plan for Ashbourne Airfield Cllrs note that all three planning applications submitted so far have been different e.g. the current planning application(s) don't follow any plans submitted before. To accept this current plan is to accept problems that will come up in the future. In the opinion of Osmaston and Yeldersley Parish Council it is vital that thorough consideration is given to the infrastructure for the development BEFORE the houses are built.

2) Drainage / Flooding Cllrs are concerned about the lack of detailed information regarding drainage for the site as all the streams and water/run off from ditches end up in Osmaston Lakes. Cllrs are concerned about what will happen to surface water run off / flooding as the greenfield runoff has been exceeded.

3) Attenuation Ponds

a) Cllrs understand that the two attenuation ponds will not be fenced off, instead they will be part of the green space(s) offer on the development and residents/visitors will be able to walk around them. Is this correct? Cllrs are concerned about resident/visitor safety as these ponds are usually fenced off.

b) Where is the water going to from the attenuation pond at the rear of the development? With regards to the surface water it was the Parish Council's understanding that the detention pond already constructed was for the water run off of the road, not the housing. If the housing run off goes to the new attenuation pond, where is the outflow from that? At a recent meeting with the David Wilson Homes planning department they were unclear on this point.

#### 4) Sewage

There are already issues with the current sewage system at the top end of Blenheim Road, which is struggling to cope with the new housing developments. It appears from the new planning applications that the foul from the proposed site will be pumped up to that point further exacerbating the problem.

#### 5) NHS

Cllrs are concerned about the lack of provision for additional services, given the size of the development.

#### 6) Design of New Houses - Heating

No gas or oil boilers are to be fitted in newly built homes from 2025, meaning that all new homes built after 2025 will have to have an alternative heating system. The development will have to comply with these new regulations so the designs will have to change, yet again, to ensure that new homes have the capacity to include renewables e.g. suitable external space for an air source heat pump unit and internal space for the associated tanks or suitable roof space for solar water heating systems and internal space for a tank. In addition, Cllrs could not see any provision for external power sources for electric cars.

#### 7) Design & External Appearance / Layout / External of houses

Impact on Ladyhole Lane properties. Cllrs raised concerns about the design of the new development and the impact of the development on the houses along Ladyhole Lane. Several residents/properties have been refused planning applications, in recent years, for proposed extensions. The reason(s) given include the fact that the designs were out of character with the street scene. However, no such requirements seem to have been applied to the proposed designs for the new houses, which will be visible from Ladyhole Lane. In addition these houses will be higher than the properties on Ladyhole Lane and the design and appearance of these houses will not be in keeping with the houses on Ladyhole Lane. Cllrs would also like to see a defined buffer zone between the airfield development and the properties on the Ladyhole Lane. Cllrs wish to see a street scene elevation plan supplied with particular relevance to No 3 Ladyhole Lane.

#### 8) Provision of local school places / new school

Cllrs' understanding, based on previous plans, is that Osmaston CE (VC) Primary School would be eligible for Section 106 funding to supply the additional, potential 70 school places, for families moving onto the new development. There is no provision for these children and their parent/guardians to walk/cycle to the school in Osmaston. Given that there is no pavement along Church Lane it seems reasonable to assume that parents will drive their children to school, thus increasing the difficult situation already in place at drop off/pick up time in Osmaston. In addition, is this in line with Derbyshire County Council's Local Transport Plan, currently in place until March 2026, which refers to working with schools to promote sustainable travel such as walking, cycling and using public transport?

At the recent Parish Council meeting, held on Tuesday 14th March, Cllrs reiterated their concerns.

- 1) There is still no overall infrastructure Plan for the Ashbourne Airfield development.
- 2) There does not appear to have been any assessment about the design of the new development and its relationship to existing properties on Ladyhole Lane, in spite of Cllrs raising this matter in their comments to the Planning Committee after the Parish Council meeting held on Tuesday 19th July 2022.
- 3) There is no information about additional GP / dental services for Ashbourne, which will surely be required given the size of the development.
- 4) There is no evidence of the proposed sports facilities.

In addition Cllrs have not seen any evidence to show that an Urban Designer has been employed to review the development plans.

If Derbyshire Dales District Council accept this current plan it will be accepting inevitable future problems, as already raised by Osmaston and Yeldersley Parish Council and Ashbourne Town Council.

In the opinion of Osmaston and Yeldersley Parish Council it is vital that thorough consideration is given to the infrastructure for the development BEFORE the houses are built.

## 5.2 Ashbourne Town Council:

No Objection, however Members feel that the plan is not a finite plan and would like to see a detailed master plan for the whole of the Airfield Industrial Estate, as the larger development will have a major impact on the infrastructure within Ashbourne.

Only showing a section of the development will not show the whole picture and the impact on education, health, highways and adult social care as it is being drip fed to all parties giving an unrealistic view of the facilities needed for all residents.

The development appears to be of a similar size to the near-by village of Brailsford, which has its own supporting amenities and infrastructure including school, doctors, shops and a post office. Members raised concerns that a development of this size does not show the necessary infrastructure.

Members raised concerns that the proposed housing is not energy efficient and would like to see a more carbon neutral development as per the development at Cawdor Quarry, Matlock which appears to link to the Local Plan Policy PD7

Climate Change and takes into account the Climate Change Supplementary Planning Document Section 6 "Improving Building Design and layout to Meet the Objectives". This appears not to have been considered within this development.

Concerns were raised regarding the sewerage being pumped from the development to Osmaston Crossroads and back to the main sewer, which is already outdated by existing and more recent housing developments.

Members were disappointed that the Neighbourhood Plan was not a consideration factor as the development is outside of the designated area.

The proposed development will also land-lock an area owned by JCB with the only access being from Lady Hole Lane.

### 5.3 Local Highway Authority (DCC):

The following comments have been made that are relevant to the assessment of this application:

The applicant should be aware that should adoption of the layout be sought, the following matters will need to be addressed. In the event of any changes being required at S38 stage, it would be the applicant's responsibility to secure any necessary planning approvals for amendments.

The layout will need to comply with DCC Designing Streets and Places Guide.

The suite of application plans does not provide much detail regarding the carriageway and footway widths and therefore it is not clear if what is being proposed is feasible. Forward visibility splays around bends need to be included.

Confirmation of the design speed of the spine road and side roads - The design speed of residential streets should be 20mph.

There should be no straight sections longer than 70m.

Visibility splays from junctions need to be included.

Junction radii need to be included.

DCC require a swept path analysis including 11.6m in length refuse vehicle passing an on-coming or parked family car throughout the layout. The carriageway will require widening on the bends to enable this manoeuvre.

Cycling facilities must accord with LTN1/20.

A long section has not been provided and will be required to ensure compliance with the Equalities Act 2010. This must include details of the vertical alignment to determine appropriate carriageway and footway gradients. They will need to be DDA compliant i.e. maximum 1:21 or 5%.

Block paving should be positioned so that turning movements on the surface are avoided. Visual contrast can still be achieved by positioning any block paving along straight sections of carriageway.

Should the spine road act as a bus route, any vertical deflection along bus route to be subject to agreement with Bus operators (table tops etc.) - we will also need swept paths showing a bus passing a car on the bends of the road.

Comments are based on roads with junctions being proposed for adoption, and those with properties served off vehicle access crossings staying private.

No private drainage is to discharge onto any area of existing or proposed adoptable highway. The drainage proposals will be agreed at the Section 38 Agreement stage once the drainage calculations and detailed design are presented. Derbyshire County Council have published guidance notes for planning and development to assist developers in the design of all surface water drainage systems, and to support Local Planning Authorities in

considering drainage proposals for new development in Derbyshire. The guide sets out the standards that we apply in assessing all surface water drainage proposals to ensure they are in line with National legislation and guidance, as well as local requirements.

Foul and surface water manholes should not be placed within the middle of the carriageway, at junctions, tyre tracks and where informal crossing points are located.

Trees must not conflict with streetlights and must be a minimum 10 metres away and a minimum 1.5m from the carriageway. Trees that are within 5m of the carriageway or footway will require root protection.

Trees within the highway will need to be approved by DCC and will carry a commuted sum. No private planting to overhang or encroach the proposed adoptable areas.

The visitor parking bays parallel to the carriageway, can be adopted but accrue a commuted sum. Any other bays (echelon or perpendicular) or private bays will not be considered for adoption.

No property including balconies should be within 500mm to the proposed highway. No doors, gates, windows, garage doors or gas/electric cupboards must open over the proposed highway.

The Highway boundary needs to be checked with DCC Highway Records to determine whether or not it coincides with the site boundary at the proposed access junction. The highway boundary is usually identified along the roadside edge of the ditch.

No Highway materials, construction methods, adoptable layouts and technical details have been approved at this stage. The detailed design and acceptable adoption standards will be subject to a full technical audit.

DCC require saturated CBR laboratory tests on the sub-soil likely to be used as the sub-formation layer. This would be best done alongside the main ground investigation for the site but the location of the samples must relate to the proposed location of the carriageway/footway.

An amended layout to take account of the above comments should be submitted.

The Local Highway Authority make the following 'other' comments:

The Design and Access statement lists a selection of location facilities that are 'a short drive (under 3 miles) away'. These are the journeys that could be undertaken by non-motorised methods however there are no details submitted on any pedestrian or cycle linkage through the site or into Ashbourne. The route of the proposed Local Cycle Network passes through the site, and the development provides the opportunity to deliver the route through the site and improve the links to the town centre.

#### 5.4 Development Control Archaeologist (DCC):

Previous applications for the Airfield site (covering a larger area than the current red line boundaries) have been subject to archaeological investigation because the proximity of known prehistoric archaeology. Desk based assessment, geophysical survey, and evaluation trenching were carried out to assess archaeological potential and significance, and concluded that the site overall is of low archaeological significance (these reports have been submitted with the current application). It was therefore recommended that no further archaeological work was needed in relation to the previous planning proposals, and this conclusion is equally relevant to the new applications.

## 5.5 Natural England

Do not wish to comment.

## 5.6 Derbyshire Fire and Rescue Service:

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

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

## 5.7 Force Designing Out Crime Officer (Derbyshire Constabulary):

### Comments on the original scheme:

The great majority of layout proposed, house treatment and boundaries are good.

I can't see any boundary treatment plans for the northern portion of the site around plots 132-244, but if the format follows that for the remainder of the site within the two boundary plans provided, comments would be the same.

I'll only comment on items where there is need for clarity or amendments from a community safety perspective.

Bollard lighting is shown as proposed for some parking plots, but the provision doesn't follow a clear method. Some rows of communal parking across semi-private cul-de-sacs are lit in this way, some not. A few private parking plots are bollard lit, most are not.

None of the larger apartment shared parking is shown as being lit.

From a community safety point of view bollard lighting is discouraged, and only seen as appropriate for wayfinding. This is because illumination is only provided at lower levels and not at head height, the spread of light is limited to the immediate periphery of the bollard, so generally more units are needed than for higher mounted lighting on buildings or columns.

Additionally bollards where sited close to parking areas are prone to damage and quickly become subject to repairs and water ingress.

I note that the proposal is to allocate each bollard to a private house supply, so presumably the responsibility for repairs and maintenance will fall to the householder, where in some cases the units are sited on non-private land.

The provision of illuminating shared parts of the site beyond any adopted S38 highways scheme is appreciated, but in my view there needs to be a clearer vision of how this integrates with the adopted scheme, where bollard lighting could be omitted in favour of house mounted units for smaller spaces, or replaced with column mounted units on a private supply for larger shared areas.

I'd suggest that documents showing this integration between public and private lighting schemes is needed, and additionally a full lux plan of the site to show how this would work in unison.

Where boundaries are shown for this larger section of the site, gating is indicated only for single use garden access. There are a number of shared longer garden access routes which run along the side and rear of properties which are unsecured and will require communally securable gating to restrict access along these routes to associated occupants only.

Gating detail options are either a 1.8m high close boarded unit or a 900mm high wooden palisaded unit, but the two types are not differentiated on site or boundary plans.

I'm guessing that the 1.8m high unit will form all private single use garden gates as shown on boundary plans, and possibly that the lower palisade gates are proposed for bin storage areas?

The communal routes require a third gating option which would be a combination of the features of the two already proposed.

It will need to be 1.8m in height, key lockable from both sides to enable practical and secure communal use, and ideally be visually permeable to allow views through. With this in mind the gates would ideally be constructed of metal, as communal wooden palisaded units will not last. As this provision is (mostly) provided on the smaller full application site I think it's reasonable to ask for the same for the larger application site.

The access runs affect plots 50/51, 52-54, 267-270, 273-274, 294-296, 316-318, 338-340, 261/362, 383/384, 387-389, 414-416, 431-433 and 446-447. Boundary and site plans shown a 450mm knee rail enclosing shared drives and walkways. Detailed plans show the knee rail as 600mm in height.

As mentioned the great majority of treatment for key plots is good.

There is no outlook from the side elevation of either apartment block at the entrance point to the courtyard for plots 367-375.

I'd recommend one or both side elevation of the blocks affected are provided with additional windows to overlook this transition point.

This would be for the lounges of the SH78/79 flats at plots 365/366 and for the lounge/dining/kitchen areas for the 9B apartments 367-375. Incidentally there are no type 9B plans posted within plans for this application, only within the documents for 22/00642.

Also there are three parking spaces shown for plot 366 but none for plot 375 within this courtyard.

#### Comments on the amended scheme:

I note the central revisions and slight variation between the outlined area for both sites, presumed to primarily be driven by the increase in public open space through the centre of the overall site.

The revisions present a significant detrimental element from my perspective, connected to the introduction of courtyard parking, particularly where it is set under-croft to the rear of associated housing.

This form of development was common when density figures and a removal of any parking element from open view were being driven by central government policy, but the distance from private space/private entrances, and a lack of any available supervision between home and parking allocation very often led to unwanted and inappropriate front of plot parking, leaving courts unoccupied, uncared for and open to misuse.



The feature eventually became discredited and consigned to the past.

I appreciate the need to keep housing numbers similar to the original quantum for viability, and the reduced space available, but in my view parking courts are not the answer.

Consequently, the courts accessed under-croft for plots 265-269, 272-275, 278-281 and 289-292 should from my perspective be subject to reconsideration.

The more open courts allocated to apartment blocks for plots 80-91, 132-137, 228-234 and 252-260 are more open to associated views, and would be acceptable on the assumption that lighting is provided.

The new peripheral and central paths have the potential for motor-cycle misuse, and also conflict between pedestrians and cyclists. Some form of speed restriction at key nodes would be advisable to mitigate risk

Boundaries are generally good.

There are wooden posts shown on 3D diagrams, and possibly indicated on site plans, but not shown on any detailed plans or plan legends.

House treatment for this phase is all good.

There are less communal garden routes than previously, but still no detail of a lockable shared gate provision to enclose longer garden access runs as private (as previously asked for).

The plots affected for this portion of the site are 39-40, 59-61, 124-125 and 165-167.

The gate for plot 156 needs to be moved forward to enclose the whole of the extended garden access route for this single plot.

Bollard lighting in some shared driveway area is still proposed, noted as allocated to individual domestic supply. Looking at the areas concerned I expect that building mounted lighting would be equally effective.

Views on the efficacy of bollard lighting were set out in my prior response, and these views have not changed.

I'm still of the opinion that the adopted highways scheme will inform what is needed for private lighting, so neither should be considered in isolation.

Larger areas which will require private lighting, such as any retained parking courts and larger shared driveways, might be provided with solar powered lighting columns, negating the need for connections and continual supply.

The advances in this form of technology and equipment available should present an opportunity for a more sustainable overall scheme.

## 5.8 Environmental Health (DDDC):

No objections subject to the following recommended condition:

Construction works shall not take place outside 0800 hours to 2000 hours Mondays to Fridays and 0900 hours to 1300 hours on Saturdays nor at any time on Sundays or Bank Holidays.

## 5.9 Lead Local Flood Authority (DCC):

The Lead Local Flood Authority (LLFA) have assessed the information available for planning application 22/00641/REM and are unable to make an informed comment until the below points are addressed.

1. The hybrid application 19/01274/FUL which set the spine drainage network below the new highway did not account for another discharge point into the attenuation basin. The new proposals are to discharge network 1 into the basin rather than the stub at S16 of the spine network. In principle this is acceptable only if it can be demonstrated that this change in proposal does not impact the capacity required in the attenuation basin.
2. The ditch proposed to be filled in should remain open as it may mitigate flooding outside the site boundary to existing property.
3. Any proposed amendments to the attenuation basin's access track should demonstrate there will be no negative impact on the structural integrity of the bank of the attenuation basin, its volume or the safety of those utilising the access track.
4. The discharge of 17 m<sup>3</sup> of surface water from network 1 to the ditch via S4 during the 1% plus climate change event is not in line with NPPF as these flows will leave the site into a watercourse and this risk to properties outside the development boundary has not been assessed. There is also no accounting for the c2 m<sup>3</sup> of surface water flooding from S2 during the 1% rainfall event.
5. In Network 2 19 nodes indicate flooding during the 1% plus climate change event, there is no information as to how this will be managed to not put proposed and existing properties at risk of flooding.
6. The drainage design is expecting prospective property owners to maintain and manage below ground attenuation, shown as private attenuation tanks on the drainage and levels appraisal sheet, some of these tanks are within the boundary of multiple properties. How will the maintenance of the private attenuation tanks be secured in perpetuity?
7. No information has been provided to show how the impermeable areas from plots 69 to 90 will drain into the existing network without increasing flood risk to the proposed properties. This list is not exhaustive and further questions may arise.

## 5.10 Derbyshire Wildlife Trust

In addition to comments to carry out further survey work to inform mitigation measures during construction, particularly in respect of the Open Mosaic Habitat and extent of proposed habitat for dingy skipper and small heath and the production of a future management plan, Derbyshire Wildlife Trust make the following concluding comments:

The development of Ashbourne Airfield is identified within the Derbyshire Dales Local Plan 2017 and has been divided into two phases. The first Phase which relates to this application is subject to policy DS1 and should comply with this policy as well as the other Adopted Local Plan policies. In relation to ecology the following parts of Policy DS1 appear to be relevant: -

- Provision of a comprehensive landscaping plan including the retention of landscape features to the northern and eastern site boundaries, the provision of a substantial landscape buffer between existing and new development; Bradley Wood and the surrounding countryside and the enhancement of Green Infrastructure linkages.
- The provision of an area reserved for wildlife along the north eastern boundary.
- Provision of public open space and green infrastructure on site with links established to the wider countryside.

In relation to the first two requirements it is unclear how Phase 1 of the Ashbourne Airfield development is going to deliver these as they relate to actions on land that lies mostly within

Phase 2 of the development. This raises the problem that impacts on ecology within the whole of Ashbourne Airfield are not being dealt with holistically, but are being looked in isolation for smaller parts of the site. Some habitats such as open mosaic habitats on previously developed land could be undervalued by this approach and may not be sufficiently mitigated.

We therefore seek clarification on how the applicant intends to meet the Policy requirements of DS1.

We would also highlight that condition 15 of the planning permission for 19/01274/FUL requires the creation of 'a network of suitable habitat for dingy skipper and small heath' within the development site. The provision of this network needs to be clearly mapped out within the entire Phase 1 area.

### Biodiversity net gain

The PEA refers to achieving a net gain (section 5.42), but as the habitat losses and any gains through habitat creation have not been quantified it is difficult to know if there is a net gain or not. For example, the area of species rich grassland within the green infrastructure has not been specified. This could be clarified through use of Defra's Biodiversity metric calculator (v3.1 is the most current one). It seems likely that a net gain can be achieved for habitats, but the Council is advised to request confirmation of this through the application of the metric.

### 5.11 Community Development Manager (DDDC):

I have reviewed the latest planning application and ran it through Sport England's playing pitch calculator with the 469 dwellings, see below information. Could you please ask the developer how they will ensure the sports pitch provision is provided on the development?

	Number of pitches required to meet the estimated demand	Capital Cost	Lifecycle Cost (per annum)	Changing rooms (number)	Changing rooms (capital cost)
<b>Total</b>	<b>1.50</b>	<b>£248,929</b>	<b>£38,067</b>	<b>2.14</b>	<b>£386,837</b>
<b>Natural Grass Pitches</b>	<b>1.42</b>	<b>£170,682</b>	<b>£35,406</b>	<b>1.98</b>	<b>£358,144</b>
Adult Football	0.27	£28,864	£6,090	0.55	£99,582
Youth Football	0.43	£36,241	£7,611	0.61	£110,494
Mini Soccer	0.30	£7,996	£1,679	0.00	£0
Rugby Union	0.18	£26,219	£5,611	0.36	£64,612
Rugby League	0.00	£0	£0	0.00	£0
Cricket	0.23	£71,362	£14,415	0.46	£83,457
<b>Artificial Grass Pitches</b>	<b>0.08</b>	<b>£78,247</b>	<b>£2,661</b>	<b>0.16</b>	<b>£28,693</b>
Sand Based	0.03	£22,660	£702	0.05	£9,419
3G	0.05	£55,588	£1,959	0.11	£19,274

### 5.12 Environment Agency

Do not wish to comment. Advise that they will make new comments at the discharge of conditions stage, when conditions recommended are being discharged.

### 5.13 Director of Housing

I note the limited detail concerning the affordable housing provision. I would make the following observations;

1. 15% provision is below the stated target of the Local Plan.
2. there appears to be no detail of the tenure split of the affordable homes. I would anticipate a split of 80/20 in favour of social rent
3. I would expect a site of this size to make a broader contribution to the affordable housing stock, with a minimum of 2 x 4 bed homes for rent. The affordable housing mix should include 1, 2 and 3 bed houses rather than a focus on 1 and 2 bed flats.
4. the floor area of the proposed affordable housing units should relate to the national prescribed space standards.
5. It would be sensible for the developer to have early discussions with local registered providers with the financial capacity to take on the likely number of affordable homes.

## 6. REPRESENTATIONS RECEIVED

- 6.1 Four representations have been received from local residents and one representation from the adjoining land owner have been received, all objecting to the proposed development.

The objections from the four local residents can be summarised as follows:

- I am very sad that a beautiful green space is going for housing and no more crops.
- Why do the houses have to be so close to the back of Lady Hole Cottages with all the room? Can you and should you not have a buffer zone?
- The first plans were for a business park and light industry with green spaces and trees.
- Lady Hole Lane has had a lot of water running down it from day one of the work starting.
- We have to put up with noise and mess for 2 ½ years.
- What will happen when they break up the airfield and all its drains which have worked very well for many, many years?
- I am worried about all the water as we sit lower down on Lady Hole Lane.
- Please do not let them put a road out to Lady Hole Lane as the traffic is bad now.
- Clearly the Airfield Phase 1 development is one of the most significant in Ashbourne's history.
- It is vital that the development sets high standards in terms of its design whilst minimising any possible negative impacts on existing communities in Ashbourne.
- From the 2019 application to the current one, housing density has increased from 23 dwellings per hectare (dph) to 30. In the developer's planning application they say 23 is atypically low. However it compares well with current local estates, including one new-build by the same developer. There is sufficient land on the airfield to allow residents more green space. It may not all belong to this developer but that is not a reason to overbuild on this part.
- The applicant would appear to be contrary to 2017 Local Plan policy S1 bullet point 3; Making efficient use of land by optimising the use of sites whilst also reflecting the character, accessibility and infrastructure capacity of the area.
- Although the 2014 and 2019 applications make reference to community facilities there are none guaranteed to be present in these 2022 applications. These appear to be left to 'Development by Others'. So the nearest local facilities would be the shops at the other end of Blenheim Road – about a half hour walk away.
- The selection of the Tier 1 market towns in the development hierarchy of the 2017 Local Plan is based on the idea that they provide the local infrastructure to support the new homes, accessible with minimal travel. The problem with Ashbourne Airfield is that it is just so far from the centre of Ashbourne, 2 miles from GP surgeries or Market Square. It is, in effect, a new village.
- Every home in the proposed development is to be fitted with a gas combi boiler. The reasons given in the energy statement in the application do not stand up to serious scrutiny and the research quoted is already made irrelevant by the increase in fossil fuel prices. Only a minority of buildings are to be equipped with solar panels and even

this appears to be optional. The development would be contrary to Policy PD7 in this respect.

- There do not appear to be any EV charge points planned.
- Although the original 2014 application made an in depth assessment of the impact that the extra road traffic would make on congestion in the centre of Ashbourne, this aspect appears to have disappeared from both the 2019 and 2022 transport reports. Instead the only concern appears to be the impact of the extra 102 homes on the new roundabout on the A52. There seems to be no concern as to where the traffic goes after this.
- Since Ashbourne now has an Air Quality Management Area this would seem to be a material consideration for planning purposes.
- The Travel Plan indicates that cycling will be encouraged (and suggests a target 50% increase, although from a small baseline). However there is no provision for cycle routes from the new development. Instead cyclists would need to choose either the A52 or Blenheim Road through the industrial estate for their journey to work / shops / GP etc.
- It appears that homeowners will be responsible for the lighting of some shared paved areas (as well as their maintenance). This pattern of 'un-adoption' of communal areas does seem to be a recipe for future problems.
- The total development is roughly equivalent to the whole of Brailsford. In contrast to Ashbourne Airfield phase 1, Brailsford has a community hall, a school, a church, a GP surgery, a shop / post office and a pub all within easy (15 min) walking distance.
- The house on the boundary of 2 Holly Tree Cottage, will be parallel to the entire length of the end of the garden to this property resulting in overlooking. Could access be left at the rear of the property?
- We were originally led to believe this land was earmarked for green belt and buffer zones behind the Yeldersley lane properties leading to office industrial units.
- The amount of work this development brings will be very noisy and dirty/dusty as mum has been putting up with over the last couple of years with digging and development of the road and drainage problems.
- We would like to be involved in any future discussions because we can see the development from our sitting room window and our garden, we can hear workings on the site from our garden and we are concerned that the restrictions around the preservation of Ladyhole Lane as a country lane are adhered to in future plans i.e. a scree of trees (buffer) and no exit onto the lane.

The following comments have been received from the adjoining land owners, objecting to the proposed development:

The Bamford Property Ltd (BPL) Land is used by JCB as a testing and proving facility in connection with its construction manufacturing business. Whilst the BPL Land is allocated for development in policy DS8 of the Local Plan, given the scale of the allocations at the airfield site, it is likely to be a number of years before the phase 2 allocation and the BPL Land comes forward for development. Until that happens JCB needs to continue use of the BPL Land in connection with its manufacturing business.

Access to the BPL Land is from Lady Hole Lane pursuant to a legal right of access for all purposes with or without vehicles across the land to which the Application relates. This legal access right extends to one half of the width of the existing concrete roadway which is 15 metres wide ('the JCB Access'). The JCB right of access, therefore, extends to 7.5 metres in width. The access right has no restrictions on the type of vehicular use, the regularity of use, or the timing of such use.

The JCB Access is used by JCB to transport construction equipment to and from the testing and proving facilities on the BPL Land. This involves large construction equipment using the JCB. Access such as excavators and wheeled loaders as well as large HGV transport low-

loaders bringing large construction equipment to and from the BPL Land. These machines, with transportation equipment, may be up to 35 tonnes plus gross vehicle weight and are obviously of considerable size. Examples of the type of larger machinery include – the Wheeled Loader 457S model and the Tracked Excavator 245 XR model. It is also likely that the size of machine produced by JCB will increase in the future to meet customer requirements in the construction sector meaning that even larger vehicles will be brought to the testing and proving round facility on the BPL Land.

The layout proposed in the Application (drawing ref H8537-001-06) does not accommodate or protect the JCB Access. In particular:-

- the gates shown on the submitted site layout on Lady Hole Lane and on the western side of the site boundary to the Application are shown as being 5 metres wide only, rather than the 7.5 metres width of the JCB Access;
- the residential estate roads, which broadly follow a similar route to the JCB Access, do not provide a 7.5 metre wide roadway suitable for the transportation of large construction machinery/vehicles.

BPL have submitted a report on transportation matters which confirms that:

- the 5 metre wide gated access from Lady Hole Lane shown on the submitted layout is insufficient to accommodate construction equipment/transporters of the type used by JCB.
- the relevant estate roads through the development between the gates on Lady Hole Lane and the western boundary appear to be 5m wide based on the site layout plan. Such roads are insufficient to accommodate JCB traffic safely – in particular they would not allow a HGV to pass oncoming or parked vehicles on those roads. As stated above they also fail to provide a 7.5 metre wide access road for JCB traffic to which JCB is entitled.
- it appears from the site layout that flat top speed humps are proposed at junctions within the development including along the route of the estate roads between the gates on Lady Hole Lane and the western boundary. Flat top speed humps are not generally suitable for HGVs, which would result in noise/ vibrations.
- the use of HGVs along these estate roads would conflict with the pedestrian movements within the residential scheme resulting in safety and amenity concerns.

For reasons set out above BPL considered that the development conflicts with paragraphs, 110, 112 and 187 of the National Planning Policy Framework ('NPPF') and Policy DS1 of the Adopted Derbyshire Dales Local Plan (2017).

## **7. OFFICER APPRAISAL**

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the purposes of the Act is the Adopted Derbyshire Dales Local Plan (2017).
- 7.2 The National Planning Policy Framework (2021) is an important material consideration in respect of this application.
- 7.3 The application site lies outside of the Ashbourne Neighbourhood Plan Area, despite paragraphs 6.12 and 6.13 which deal specifically with the application site and wider airfield.
- 7.4 The principle and amount of development have already been established through the granting of hybrid planning permission 19/01274/FUL. The application site area, however, covers 86% (approximate) of the site approved for housing development. It is proposed to deliver the full quota of housing on a reduced site area. A parallel application has been

submitted for an additional 101 dwellings on the remaining land, which will utilise the Public Open Space and surface water attenuation feature proposed as part of this application.

- 7.5 The terms of the permission for 367 dwellings are set by the hybrid planning application and associated s106 agreement, which secures developer contributions to improve services and infrastructure to in order to be able to accommodate the additional demands that would be derived from the development. A reduced level of affordable housing (10.7%) has been secured, having regard to the terms of an extant permission at the time this decision was taken. These matters cannot be revisited as part of the assessment of this planning application.
- 7.6 This application seeks approval of all of the matters reserved in respect of the housing component of the outline planning permission, namely access, appearance, landscaping, layout and scale. These are defined in article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 as:
- 'Access' – the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
  - 'Appearance' – the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
  - 'Landscaping' – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;
  - 'Layout' – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
  - 'Scale' – the height, width and length of each building proposed within the development in relation to its surroundings.
- 7.7 Of relevance in terms of the decision made in respect of the hybrid planning application 19/01274/FUL and the approved housing development are conditions 3, 5, 6, 10, 11, 21 and 22. These conditions require the following:
- 3. Prior to the commencement of any built development a masterplan / design framework for the comprehensive development of the site including an indication of phasing shall be submitted to and agreed in writing by the Local Planning Authority. Subsequent reserved matters submissions should have appropriate regard to the agreed masterplan design framework.*
- 5. The submission of reserved matters details for the residential component of the scheme shall include full details of the surface water drainage which shall accord with the aims of Sustainable Urban Drainage.*
- 6. The reserved matters submission for the residential component of the scheme shall include full details of the on-site provision of open space and play equipment along with details of their subsequent future maintenance and management.*
- 10. The reserved matters submission for the residential component of the scheme shall include full details of the provision of affordable housing and full details of the housing mix across the site.*

11. *The design framework / masterplan to be agreed and subsequent reserved matters submissions shall include details of how the layout and design of buildings incorporate measures to minimise net energy usage.*

21. *Notwithstanding the information submitted, any reserved matters submission, for any phase of the commercial or residential development, shall include full details of the internal estate street layout (including its link to the public highway), to be in accordance with the guidance contained in the Manual for Streets documents (issued by the Department for Transport and Communities and Local Government) and the County Council's own Delivering Streets and Place design guide. The information shall include layout, levels, drainage and construction details relevant to that particular part or phase of the development, all as may be agreed in writing with the Local Planning Authority.*

22. *Any future reserved matters submission, for any phase of the development (commercial or residential), shall include a full Travel Plan for approval in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including a timetable), to promote travel by sustainable modes which are acceptable to the Local Planning Authority, and shall be implemented in accordance with the timetable set out therein, unless otherwise agreed in writing by the Local Planning Authority. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually, on each anniversary of the date of the planning consent, to the Local Planning Authority for approval for a period of five years from 90% completion of the whole development.*

7.8 The applicant has submitted information to address the above requirements, which has been consulted on and publicised and is assessed in respect of the key considerations forming part of the assessment of this approval of reserved matters application below.

7.9 Also of relevance in the assessment of the reserved matters are the provisions of strategic housing land allocation Policy DS1, which relates to 39.35ha of mixed use development (including the housing component the subject of this application) forming Ashbourne Airfield (Phase 1). The strategic policy advises that development will be subject to compliance with adopted Local Plan policies and:

- A comprehensive layout and site masterplan for the development incorporating community facilities proportionate to serve the needs of future residents of the site including a mixed use hub providing some or all of the following uses:
  - a) Use Class A1 Retail/A2 Financial and Professional (no single unit in excess of 300m<sup>2</sup> and not more than 500m<sup>2</sup> in total).
  - b) Use Class A3 restaurants/café(s)/A4 drinking establishments (not more than 500m<sup>2</sup> in total and no more than one drinking establishment).
  - c) Use class D1 non-residential institution/community facilities (up to 750m<sup>2</sup>), and an enterprise centre incorporating small start-up office units (not more than 500m<sup>2</sup> in total).
- Preparation of a detailed phasing programme covering the entire site, such a programme to ensure the provision of the employment development and residential development concurrently or as otherwise agreed with the District Council.
- The provision of a new access to serve the comprehensive development comprising a new junction from the A52; a new access road to serve the business park which shall link through to Blenheim Road; a new internal road layout to serve the development incorporating footpaths and cycle paths. No more than 75 dwellings to be erected and occupied before the link to Blenheim Road has been laid out and constructed.
- Preparation of a Transport Assessment and Travel Plan, including full highway design, specific consideration of public transport routes and subsidies,



improvements to existing and development of new pedestrian/cycle routes. Provision for public transport, cycle and pedestrian routes to Ashbourne town centre.

- Provision of a comprehensive landscaping plan including the retention of landscape features to the northern and eastern site boundaries, the provision of a substantial landscape buffer between existing and new development; Bradley Wood and the surrounding countryside and the enhancement of Green Infrastructure linkages.
- The provision of a landscaped buffer to the rear of existing properties on Lady Hole Lane. No development shall take place on land south east of Lady Hole Lane.
- The provision of an area reserved for wildlife along the north eastern boundary.
- Provision of public open space and green infrastructure on site with links established to the wider countryside.
- A site specific Flood Risk Assessment in accordance with the findings of the Derbyshire Dales Strategic Flood Risk Assessment, incorporating surface water control measures (SUDS) throughout the development.
- An Ecological Assessment (i.e. desk and field based assessments, habitats/species assessments/mitigation proposals)

amongst other requirements.

7.10 The above requirements are considered under what are the following main issues to assess, having regard to the reserved matters for which approval is sought, relevant policies of the development plan and guidance contained within the National Planning Policy Framework (NPPF) and comments from the statutory consultees:

- The appropriateness of the layout, scale and appearance of the development and associated landscaping;
- The impact on adjacent land users, including the residential amenity of the occupants of existing dwellings along Lady Hole Lane;
- Protected species and biodiversity;
- Open space and outdoor recreation requirements;
- Highway / pedestrian safety;
- Measures to mitigate the effects of and adapt to climate change;
- Surface water drainage requirements

The location and nature of the development is not considered to harm the setting of Thatched Cottage (Listed Grade II), which is located to the south of site beyond the recently constructed attenuation basin, link road and new roundabout. Its setting has already been affected by this existing development and this has been weighed against the public benefits of the development, including the planned housing and employment to be delivered. The location, density and scale of the housing development is not considered to harm the significance of the heritage asset any further.

7.11 The Director of Housing has expressed concerns with regard to the amount of affordable housing and appropriateness of the mix and tenure. The affordable housing scheme has been agreed in respect of planning permission 19/01274/FUL and is prescribed in the associated s106 agreement (unless otherwise agreed). The agreement does not set space standards and a reduced level of affordable housing was secured following consideration of the viability argument that was presented in respect of the extant permission at that time. The proposed mix of affordable housing does not, however, meet the mix set out in the agreement in terms of the size of units. Although related to matters of scale it is not a character and appearance judgement and would need to be resolved as part of the terms of the hybrid / outline permission.

7.12 The representations received that raise concerns with regard to infrastructure requirements are acknowledged, however, the quantum of development has been approved at outline and

developer contributions reasonably related in scale and kind have been secured to accommodate the additional needs arising from the development.

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

- 7.13 Having regard to the matters for approval, the appropriateness of the layout, scale and appearance of the development and associated landscaping are important considerations. Policy requires and the District Council and local community wish to see a high-quality scheme brought forward on Phase 1 of the former Ashbourne Airfield site, which will set the scene for further, more significant development (in terms of amount) on adjoining land. It is therefore important that the development responds to the characteristics of successful places as set out National Design Guide (NDG).
- 7.14 Paragraph 126 of Chapter 12 of the National Planning Policy Framework states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. It goes on to state that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this.
- 7.15 Paragraph 134 of the National Planning Policy Framework advises that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design <sup>52</sup>, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes. Footnote 52 refers to guidance contained in the National Design Guide (NDG) and National Model Design Code. As the District Council has not yet adopted any Design Codes the NDG and Model Design Code are of relevance.
- 7.16 Having regard to the requirements of strategic site allocation policy DS1 and in recognition that the development has been planned in detail by the applicant and will influence further significant development on the edge of the town, the Local Planning Authority has appointed a firm of urban designers (Lathams Architecture and Urbanism) to assess the scheme against National Design Guide criteria and to consider the relationship of the development with phase 2 which will be critical to the overall success of the scheme (whilst recognising that the applicant does not currently have any interest in or control over phase 2 land).
- 7.17 In terms of local design policies, Policy PD1 of the Adopted Derbyshire Local Plan 2017 deals with design and place making and requires:
- development to be high quality design that respects the character, identity and context of the Derbyshire Dales townscapes,
  - all new development is based on a thorough site appraisal and that 'design quality' is reflected in the development through a clear understanding of site context including reference to any Design Statements, Neighbourhood Plans, and is sensitive to its context as well as contributing to sustainable living and contribute positively to an areas layout and relationship to adjacent buildings and landscape features.
  - development on the edge of settlements enhances and/or restores landscape character, particularly in relation to the setting and character of the Peak District National Park development contributes positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials, and the relationship to adjacent buildings and landscape features
  - public and private spaces are well-designed, safe, attractive, complement the built form and provide for the retention of significant landscape features such as mature trees.

- developments are easy to move through and around, incorporating well integrated car parking, pedestrian routes and, where appropriate, cycle routes and facilities.
- developments are designed to minimise opportunities for anti-social or criminal behaviour and promote safe living environments.
- the inclusive design of development, including buildings and the surrounding spaces, to ensure development can be accessed and used by everyone, including disabled people development takes account of national design guidance and Supplementary Planning Documents.

7.18 The NDG sets out the characteristics of well-designed places and demonstrates what good design means in practice. It includes 10 characteristics that are key to good design. Its use helps to assess the quality of planning applications.

7.19 The assessment undertaken by Lathams of original scheme was assessed against National Design Guide criteria and scored poor or very poor against most of the criteria in the NDG. As part of the review it was, however, accepted that the quantum of development could be achieved on the reduced site area, based on the dwellings per hectare proposed, whilst successfully contributing to a well-designed place.

7.20 The DAS provided a limited assessment of the character of the site and there was no evidence of how this had been used to inform the scheme. The original scheme incorporated a narrow, fragmented greenspace fronted extensively with banks of car parking offering poor amenity and townscape value.

7.21 It was considered that the development presented a confused illegible insular layout with no obvious route hierarchy. A poorly defined gateway, poorly defined greenspace and no obvious centre. Relationship with future phases, the major access road and employment land was also considered to be poor.

7.22 With regard to movement there was no indication within the application which identified how the development will connect (car, cycle or pedestrian) with the Phase 2 area. No evidence of cycle provision was shown with regard to routes or storage within units. No footpath links were identified to areas beyond the site boundary. The development proposed car dominated streets with no street trees.

7.23 It was identified that there was a limited range of bio-diversity enhancement measures and that there was a limited amount of compromised greenspace.

7.24 The development also proposed an even distribution of mainly detached buildings across the site. There was a wide variety of house types, and varied streetscenes that did not successfully create place. Furthermore, there was little regard given to integrating the development with the business park and other community infrastructure that would be needed to serve the wider airfield site. The development also did not make suitable provision for the existing right of way that crossed through the site.

7.25 Following the assessment of the original scheme and a meeting to discuss the above, the applicant submitted a marked/annotated layout for consideration. Whilst recognising that some improvements had been made to the site layout had been made, the Local Planning Authority made it clear that in developing the site layout, consideration will need to be given to the density, character, scale and massing of development. Specific guidance was given to the applicant in relation to house designs and creating cohesive streetscenes, and an invitation was given to submit a revised layout and streetscene samples for review / further discussion. Following receipt of an amended site layout, the applicant was advised to provide commentary on how the assessment of the original scheme against NDG criteria has been addressed. The applicant was also requested to advise on how they were going to address the agents of change principle in respect of JCBs right of access, Biodiversity

Net Gain requirements and open space provision including playing field provision in respect of the parallel full application and climate change requirements.

- 7.26 This information was not provided until the scheme was formally submitted for re-consultation and no consideration has been provided to the strategic requirement of Local Plan Policy DS1 set out in earlier correspondence.
- 7.27 Following receipt of the amended plans, the independent urban designer was asked to re-assess the scheme. It was acknowledged that the road layout had changed, but this was not considered to be a significant improvement when assessed against NDG criteria. It was also noted that the changes to the central green space provided an enhancement but compared to other exemplar schemes this remained poor. The high density square was also considered to be crude in its design. It remained that the development scored poorly (poor and very poor in numerous areas) against NDG criteria.
- 7.28 In terms of responding to context the urban designer advised that the assertion that the proposals relate positively to on-site features and context would carry more weight if it was supported by evidence and that it is not appropriate to suggest that the development principles for another site can be transferred to this scheme in order to demonstrate an understanding of context. The site is unique, in that it is detached from the main urban area of the town, beyond existing industrial development and has an interface with the open countryside. This is not recognised.
- 7.29 With regard to value heritage, local history and culture, it was recognised that whilst the revised site layout introduces a geometry which better responds to the historic layout it made little obvious effort to respond to the location of the former runway.
- 7.30 With regard to character and layout, it remains that the development has a confused and insular layout. The road layout has been altered but the confused maze-like layout remains. Navigating the scheme from one part of the scheme to another is unnecessarily confused. The layout remains car dominated with modest tree planting on limited routes failing to challenge the dominance of frontage parking across the scheme.
- 7.31 The introduction of limited street tree planting and the rationalisation of the central green space is an improvement. The introduction of the central square is also a good idea, however, it is poorly executed and located in term of its association with other existing and future infrastructure to create a legible core, which is key to good place making.
- 7.32 With regard to social inclusivity, the mix and distribution of tenure and house types is unchanged, with affordable dwellings concentrated in a small geographical area / pockets within the centre of the site. The approach to density is also largely unchanged. No explanation of any strategic approach to density has been provided. The insertion of the 'high-density' core is an isolated and token gesture with densities elsewhere remaining largely unchanged. No additional information has been provided which might help to justify the building types or forms. It is acknowledged that some elevational treatments have changed but the rationale to support these changes is missing.
- 7.33 Despite the applicants contention that the street typologies are designed into the scheme with a clear hierarchy the development remains a discordant and monotonous mix of house types and designs that are evenly distributed across the site, with little consideration given to the site constraints or place making.
- 7.34 Although the attenuation basin approved under application code ref. 19/01274/FUL provides a buffer between the development and the existing houses along Lady Hole Lane, the amended scheme proposes new dwellings hard up to the boundary of the dwellings at the northern end of the lane, proposes to continue housing development in this direction and

proposes a series of turning heads and private driveways adjacent to the lane. This results in significant urbanisation of the lane and does not respond positively to its existing character and the interface with or the character of the countryside beyond.

- 7.35 In terms of the acceptability of the landscaping Policy PD6 of the Adopted Derbyshire Dales Local Plan (2017) states that trees, hedgerows, orchards or woodlands of value should be retained and integrated within development wherever possible. The loss of any trees will need to be justified and any proposal should include new tree planting in the form of street trees to satisfy the requirements of the NPPF and other biodiversity enhancements.
- 7.36 The landscaping scheme retains existing landscape features and introduces new tree and hedgerow planting, including street trees along the main spine road. The scheme also delivers Public Open Space, however, it does not address the requirements of the strategic site allocation policy. The development does not make provision for a substantial landscape buffer between existing and new development and the surrounding countryside and the enhancement of green Infrastructure linkages, nor does it provide provision of a landscaped buffer to the rear of existing properties on Lady Hole Lane.
- 7.37 The scheme introduces development along Lady Hole Lane that sits behind a meagre planted margin. The development in this location, by reason of its scale and density and street layout introduces an overtly urban form of development that is harmful to the character and appearance of its surroundings.
- 7.38 In summary, the development by reason of its layout and density and the discordant variety, scale and appearance of the different house designs and associated landscaping scores poorly against National Design Guide criteria and would not deliver a high quality and well-designed place that would respond positively to and respect the character and context of this significant edge of settlement site. The development would therefore conflict with Policies S1, PD1 and DS1 of the Adopted Derbyshire Dales Local Plan (2017) and should be refused in accordance with paragraph 134 of the National Planning Policy Framework (2021).

***The impact on adjacent land users, including the residential amenity of the occupants of existing dwellings along Lady Hole Lane***

- 7.39 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) requires that development achieves a satisfactory relationship to adjacent development and does not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.
- 7.40 The site does not include the housing development adjacent to industrial units approved for B2 and B8 uses, to the west of the application site. No objections have been received from the Council's Environmental Health section with regard to the proximity of the proposed houses to the business park and existing and approved industrial uses in terms of noise disturbance and other impacts on human health and amenity.
- 7.41 The nearest residential dwellings to the proposed houses are sited to the south west of the site off Lady Hole Lane (nos. 1-3 Holly Tree Cottages). These properties have long rear gardens and are positioned to the south the development. Although no landscape buffer is proposed, the orientation of the nearest proposed dwellings on plots 31 and 37 and their scale is such that there would not be overbearing or overshadowing effects of so significant a magnitude to warrant refusal on such grounds.
- 7.42 The adjacent land owner has objected to the proposed development on the basis that their legal right of access from Lady Hole Lane has not been accommodated and that the layout of the development would prejudice the use of the site as a training facility for HGVs.

- 7.43 Policy PD9 of the Adopted Derbyshire Dales Local Plan (2017) states that the District Council will protect people and the environment from polluted environments by only permitting development if the potential adverse effects (cumulatively or individually) are mitigated to an acceptable level by other environmental controls or by measures included in the proposals. This includes noise or vibration and other nuisance or harm to amenity health or safety.
- 7.44 Paragraph 187 of the National Planning Policy Framework (2021) advises that planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.
- 7.45 The applicant's position is that the layout fully considers the existing right of way to the JCB land by retaining and improving the legal right of way through the site. The road specification is sufficient for the usage described by JCB. They go on to advise that the principle of residential development on this site, next to the JCB land has already been established by the outline planning permission. The outline permission does not include any condition requiring any kind of mitigation to the existing 'business', or indeed provision of a separate access to the JCB land for the mixed use development to be acceptable. They go on to state that to the best of their knowledge the training facility has been closed for several years. Specifically, Bamford Property Ltd applied to demolish the buildings associated with the training facility in 2021 predicated on the basis that they had "not been used for a number of years" and they were therefore redundant – Derbyshire Dales District Council acknowledged the 'Prior Notification' of proposed demolition application and issued the Decision Notice confirming Prior Approval was not required and the works could proceed on 26<sup>th</sup> July 2021. Furthermore, they advise that signage that directed people to the training facility was also removed by JCB sometime before 2019, presumably on the basis that it was no longer needed due to the closure of the facility.
- 7.46 The applicant also states that it is their understanding that this site has been considered by Derbyshire Dales District Council to be available and developable (a requirement of the NPPF) for residential development and hence its allocation for future housing development within the Local Plan. In practical terms, given the location of the right of way and our likely build programme, the applicant advises that it will take a number of years for us to reach this section of the site, by which time the Bamford Property Ltd parcel should be even closer to commencing development for residential and ancillary uses as part of Phase 2.
- 7.47 The adjacent land is allocated for housing development and, like with this application, it can come forward independently of the development on phase 1 land. Until such time that the land comes forward for development the effect of the development on this land use / business must be taken into account and is a material planning consideration. The land has a long history as a training facility and it is not consider that the use of the land can be deemed to be abandoned. This issue is clearly related to the layout of the development. Officers do not agree with the applicant, that it should have been dealt with at outline stage in this regard.
- 7.48 The development maintains a 5m wide access from Lady Hole Lane, with a 7.5m wide access shown to encroach onto the pedestrian footway. The alignment of the road, with various junctions and the housing development sited in close proximity to it either side will prejudice the use of this land. As set out by the adjacent land owner, the site can operate

without restriction and access by large HGVs is likely to result in significant nuisance to the occupants of the proposed houses and present health and safety issues. The operations on the land would have a significant adverse effect on the new development in this respect and the development does not provide suitable mitigation to prevent unreasonable restrictions on this land use. The development would therefore be contrary to the requirements of Policy PD9 of the Adopted Derbyshire Dales Local Plan (2017) and paragraph 187 of the National Planning Policy Framework (2021).

### ***Protected species and biodiversity***

- 7.49 With regard to protected species and biodiversity impacts Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017) seeks to protect, manage, and where possible enhance the biodiversity and resources of the plan area and its surroundings by ensuring that development proposals will not result in harm to biodiversity. The policy advises that this will be achieved by encouraging development to include measures to contribute positively to the overall biodiversity of the plan area to ensure there is a net overall gain to biodiversity. These provisions are supported by the NPPF, paragraph 174 of which advises that planning decisions should provide net gains for biodiversity.
- 7.50 Hybrid planning application 19/01274/FUL considered the impact of the development on protected species and biodiversity. Condition 15 requires the submission of a landscape and biodiversity enhancement and management plan (LBEMP) prior to the commencement of the development. The LBEMP should combine both the ecology and landscape disciplines and include description and location of features to be created, planted, enhanced and managed including a network of grassland habitats suitable for Dingy Skipper and Small Heath Butterfly amongst other requirements.
- 7.51 The proposed areas of open space and landscaping do not demonstrate how the development will compensate for the loss open mosaic habitat or set out the extent of proposed habitat for dingy skipper and small heath butterfly to preserve the biodiversity value of the site, and mitigate for the 2ha loss of this habitat across phase 1.
- 7.52 In relation to the ecology requirements of Policy DS1, Derbyshire Wildlife Trust have identified the following requirements:
- The provision of a comprehensive landscaping plan including the retention of landscape features to the northern and eastern site boundaries, the provision of a substantial landscape buffer between existing and new development; Bradley Wood and the surrounding countryside and the enhancement of Green Infrastructure linkages.
  - The provision of an area reserved for wildlife along the north eastern boundary.
  - Provision of public open space and green infrastructure on site with links established to the wider countryside.

Having regard to the Ecological Appraisal (FPCR, April 2022) and the Landscape Management Plan (Golby and Luck, September 2021), Derbyshire Wildlife Trust have advised in relation to the first two requirements that it is unclear how Phase 1 of the Ashbourne Airfield development is going to deliver these as they relate to actions on land that lies mostly within Phase 2 of the development. This raises the problem that impacts on ecology within the whole of Ashbourne Airfield are not being dealt with holistically, but are being looked in isolation for smaller parts of the site. Concern has also been raised with regard to the width of the margins alongside hedgerows.

- 7.53 Insofar as relevant to the assessment of this application for approval of the reserved matters insufficient information has been submitted to demonstrate that the landscaping of the site will, in conjunction with the other phase 1 development, adequately compensate for open mosaic habitat loss and provide a coherent network of habitat suitable for dingy skipper and



small heath butterfly to maintain the biodiversity value of the site. Furthermore the development does not make provision for substantial landscape buffers between existing and new development and surrounding countryside to deliver green infrastructure and wildlife corridors. The development would therefore conflict with Policies PD3 and DS1 of the Adopted Derbyshire Dales Local Plan (2017) and the National Planning Policy Framework (2021).

7.54 Despite the requirement for swift boxes to all dwellings, the provision of 40 swift bricks/boxes and 15 standard bird boxes have been secured in respect of application 19/01274/FUL and the requirement of condition 15. Such provision cannot be secured in respect of this application.

**Open space and outdoor recreation requirements**

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

7.56 In order to improve the quantity, quality and value of play, sports and other amenity greenspace provision new residential developments of 11 or more dwellings will be required to provide or contribute towards public open space in line with the standards identified in the Derbyshire Dales Built Sports Facilities and Open Space Strategy (January 2018) as set out below:

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

7.57 There is also a requirement to provide playing pitches. For a development of 367 dwellings 3574 sq. m of parks and gardens and 594.54 sq. m of public open space to meet the needs of children and young people would be required.

7.58 The total amount of open space serving the development is approximately 3ha. Although no provision is made for allotments, it was concluded in the consideration of the hybrid planning permission (and the terms of the earlier outline permission) that the open space to be provided in the form of green corridors including the retention of planting along the A52 frontage, enhancement of the rural character of Ladyhole Lane, provision of open space/ a buffer to the rear of properties on Ladyhole Lane and a network of open space and children's play facilities within the residential layout would constitute acceptable provision.

7.59 With regard to playing pitch provision, the hybrid application removed the playing pitches from the scheme and the space was put to additional employment land. Sports England initially raised concern over this apparent loss but following discussions with officers over the nature of current demand and the potential to locate facilities within phase 2 have removed their objection.



7.60 Whilst no mechanism has been agreed for the delivery of playing fields to serve the development on phase 1 land, such provision does not fall within the scope of this application for approval of reserved matters and will be a matter for consideration in respect of future development on the former airfield. Playing pitch provisions is, however, pertinent to the assessment of the parallel full application and the needs deriving from this additional development.

### ***Highway / pedestrian safety***

7.61 Policies S1, S4 r) and HC19 of the Adopted Derbyshire Dales Local Plan (2017) 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.

7.62 The Local Highway Authority has assessed the ability of the road network to accommodate the amount of development when considering the hybrid and earlier outline applications. The new roundabout and link road will be capable of accommodating traffic from the development without having an adverse impact on the local road network.

7.63 The Local Highway Authority has, however, advised that should adoption of the road layout be sought, there are a number of issues to resolve. The Local Highway Authority has not advised, however, that the development would be unacceptable from a highway safety perspective if the estate roads were not adopted and the new roundabout and link road access would be capable of accommodating the loading from the development, without resulting in severe impacts on the local road network. The conflict with the existing business serviced off the estate roads remains, however, a concern. With regard to sustainable travel, the hybrid application secured a travel plan relating to the quantum of development.

7.64 With regard to movement and connectivity, there is a footpath through the through the central green space and its links to the perimeter footpath network is an enhancement. However, no additional evidence has been provided to explain how cycling and walking connections within and beyond the site have been improved. This remains poor in respect of the movement criteria in the National Design Guide.

### ***Measures to mitigate the effects of and adapt to climate change***

7.65 Policies S1 and PD7 of the Adopted Derbyshire Dales Local Plan (2017) 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. Paragraph 126 of Chapter 12 of the National Planning Policy Framework also states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

7.66 The application is accompanied by an Energy Strategy Statement, which makes reference to the need to comply with Part L 2021 building regulations, which will secure savings in excess of 160,386 kgCO<sub>2</sub> annual. The development will look to incorporate a range of low and zero carbon/renewable technologies in order to meet proposed upcoming changes to the Part L Building regulations, which will require development to achieve carbon reductions of 31 % lower than current part L targets.

7.67 In order to achieve the above, the following proposed low/zero carbon technologies will be applied:

Potentially viable energy strategies considered	Number of Dwellings Applied to	Energy Saved %	Carbon Saved %	Proposed?1
Solar hot water	0	0	0	No
Solar Photovoltaic (Approx.)	160	6.3	11.4	Yes
Wind Turbines	0	0	0	No
ASHP	0	0	0	No
GSHP	0	0	0	No
Flue Gas Heat Recovery <sup>2</sup>	305	1	0.9	Yes
Waste Water Heat Recovery	305	8	7.1	Yes
Fabric Approach	469	5.5	5.2	Yes

7.68 The above measures would make a contribution towards mitigating the effects of and adapting to climate change, however, they are limited to building regulation requirements and there is no mention of electric charging points. Nonetheless the proposals are considered to comply with current development plan Policy PD7. A sustainable urban drainage (SUDs) system is also proposed which will help attenuate surface water during extreme rainfall events.

### **Surface water drainage requirements**

7.69 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.

7.70 The application is accompanied by a drainage strategy by DDS. The development is proposed to be drained using two separate surface water networks. Both networks have been designed to accommodate up to the 100 year return period plus 40% climate change. A 10% increase in private impermeable areas has also been accommodated to allow for the effects of urban creep.

7.71 One of the networks (network 1) conveys flows to the existing attenuation basin and surface water system that was designed to accommodate the employment land and link road.

7.72 As can be seen in the consultation response from the Lead Local Flood Authority there are a number of concerns with the proposed system, including lack of information to demonstrate that the flows from network 1 does not impact the capacity required in the attenuation basin.

7.73 At the time of writing this report, insufficient information has been submitted to demonstrate that the surface water drainage system will be capable of serving the development and will not result in flooding on the site and elsewhere contrary to the requirements of Policies S1 and S8 of the Adopted Derbyshire Dales Local Plan (2017).

## Summary

7.74 Whilst there is support for development on the site and the principle and amount of development has already been established through the granting of hybrid planning permission 19/01274/FUL, the proposed development by reason of its layout and density and the discordant variety, scale and appearance of the different house designs and associated landscaping scores poorly against National Design Guide criteria and would not deliver a high quality and well-designed place that would respond positively to and respect the character and context of this significant edge of settlement site.

7.75 Furthermore, the development does not give appropriate regard to the operations undertaken on adjacent land and the legal right of access through the development by heavy goods vehicles from Lady Hole Lane that could have a significant adverse effect on the occupants of the proposed dwellings; demonstrate that the development in conjunction with other phase 1 land adequately compensate for open mosaic habitat loss and provide a coherent network of habitat suitable for dingy skipper and small heath butterfly to maintain the biodiversity value of the site, or; surface water can be appropriately attenuated and discharged on site so as to not cause flooding. It is recommended that the application be refused for these reasons.

## **8. OFFICER RECOMMENDATION:**

That the application be refused for the following reasons:

1. The development by reason of its layout and density and the discordant variety, scale and appearance of the dwellings and associated landscaping scores poorly against National Design Guide criteria and would not deliver a high quality and well-designed place that would respond positively to and respect the character and context of this significant edge of settlement site. The development would therefore conflict with Policies S1, PD1 and DS1 of the Adopted Derbyshire Dales Local Plan (2017) and should be refused in accordance with paragraph 134 of the National Planning Policy Framework (2021).
2. The layout of the development fails to have regard to the operations undertaken on adjacent land and the legal right of access through the development by heavy goods vehicles from Lady Hole Lane that could have a significant adverse effect on the occupants of the proposed dwellings. Without appropriate mitigation to prevent unreasonable restrictions on this land use the development conflicts with Policy PD9 of the Adopted Derbyshire Dales Local Plan (2017) and paragraph 187 of the National Planning Policy Framework (2021).
3. Insufficient information has been submitted to demonstrate that the landscaping of the site will, in conjunction with the other phase 1 development, adequately compensate for open mosaic habitat loss and provide a coherent network of habitat suitable for dingy skipper and small heath butterfly to maintain the biodiversity value of the site. Furthermore the development does not make provision for substantial landscape buffers between existing and new development and surrounding countryside to deliver green infrastructure and wildlife corridors. The development would therefore conflict with Policies PD3 and DS1 of the Adopted Derbyshire Dales Local Plan (2017) and the National Planning Policy Framework (2021)
4. Insufficient information has been submitted to demonstrate that the surface water drainage system will be capable of serving the development and will not result in flooding on the site and elsewhere contrary to the requirements of Policies S1 and S8 of the Adopted Derbyshire Dales Local Plan (2017) and guidance contained within the National Planning Policy Framework (2021).

## INFORMATIVES:

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

This Decision Notice relates to the following plans and documents:

### Site Drawings

- H8537-001-07 Planning Layout Sheet 1 Revision B
- H8537-001-08 Planning Layout Sheet 2 Revision B
- H8537-001-09 Composite Planning Layout Revision B
- H8537-002-02 Materials & Surfaces Layout Sheet 2 Revision F
- H8537-003-02 Boundary, Eaves & Chimney Layout Sheet 2 Revision G
- H8537-013-03 102 Plot Site Location Plan Revision A
- AA/06-2 Materials Layout – Sheet 2 Revision C (Barratt Plots)

### Engineering Drawings

- 0213-17 Engineering Layout Sheet 1 Revision I
- 0213-18 Engineering Layout Sheet 2 Revision G
- Micro Drainage Calculations - Storm Network 1 1 in 30 year & 1 in 100 year, & Storm Network 2 1 in 30 year & 1 in 100 year

### Landscaping Information

- GL1639-01 Soft Landscape Proposals Sheet 1 Revision H
- GL1639-02 Soft Landscape Proposals Sheet 2 Revision H
- GL1639-05 Soft Landscape Proposals Sheet 5 Revision H
- GL1639-06 Soft Landscape Proposals Sheet 6 Revision H
- GL1639-07 Soft Landscape Proposals Sheet 7 Revision H
- GL1639-03-01 Landscape Management Plan (Issue 3)

### Standard Details

- H8537/Mat/01 David Wilson Homes Materials Palette
- Ashbourne Airfield Materials Palette – Barratt Homes
- DB-SD13-014 External Personnel Gates Detail
- DB-SD13-006 Rev B Close Boarded Fence Detail
- H8537-100-09 Stone Entrance Wall Detail
- NM-SD13-013 Boundary Wall Detail Type 3
- RD/SD13/114 450mm Timber Post Detail

### Garage Planning Drawings

- LSG1H8.01 Single Garage Planning Drawing Revision A

### Affordable House Type Planning Drawings

- B50F 0TCI.01 Type 50 Planning Drawing Revision C
- B50F 0THE.01 Type 50 Planning Drawing Revision B
- B52A 0TCI.01 Type 52 Planning Drawing Revision D
- B52A 0THE.01 Type 52 Planning Drawing Revision B
- B78F 0TCI / B79F 0TCI.01 Type 78 & 79 - TF Planning Drawing
- B75F 0TCE.01 Type 75 Planning Drawing

## Private House Type Planning Drawings

- Amb.01 / .02A Ambersham / Maldon Apartment Planning Drawing
- SF 58\_59.E.01 Type SF 58.59-E-7 Planning Drawing
- BLLE 0THE.01 Ellerton (End Hipped) Planning Drawing Revision B
- BHVR 0THE.01 Haversham (End – Hip) Planning Drawing
- BKNL 0THE.01 Kenley Classic (End Hipped) Planning Drawing Revision B
- BKNR 0THD.01 Kenford Classic (Det) Planning Drawing Revision B
- BKEY 0THD.01 Kingsley Classic (Det Hip) Planning Drawing Revision C
- BMAI 0THE.01 Maidstone Classic (End Hipped) Planning Drawing Revision B
- BRAD 0THD.01 Radleigh Classic (Det) Planning Drawing Revision B
- BBNF X0GE.01 Brentford (End) Planning Drawing
- BENN X0GD.01 Ennerdale (Det) Planning Drawing
- BKNL X0-I.01 Kenley (Mid) Planning Drawing
- BKIS X0GE.01 Kingsville (End) Planning Drawing
- BMMS X0GE.01 Moresby Planning Drawing
- Chud.01 Chudleigh & Dursley Planning Drawing
- Ennerdale Transitional Detached FF Render + Planning Drawing
- Kingsville Transitional (GF Render).01 Planning Drawing
- Maidstone Hipped End (FF Render).01 Planning Drawing
- Moresby Transitional (FF Render + Chimney).01 Planning Drawing

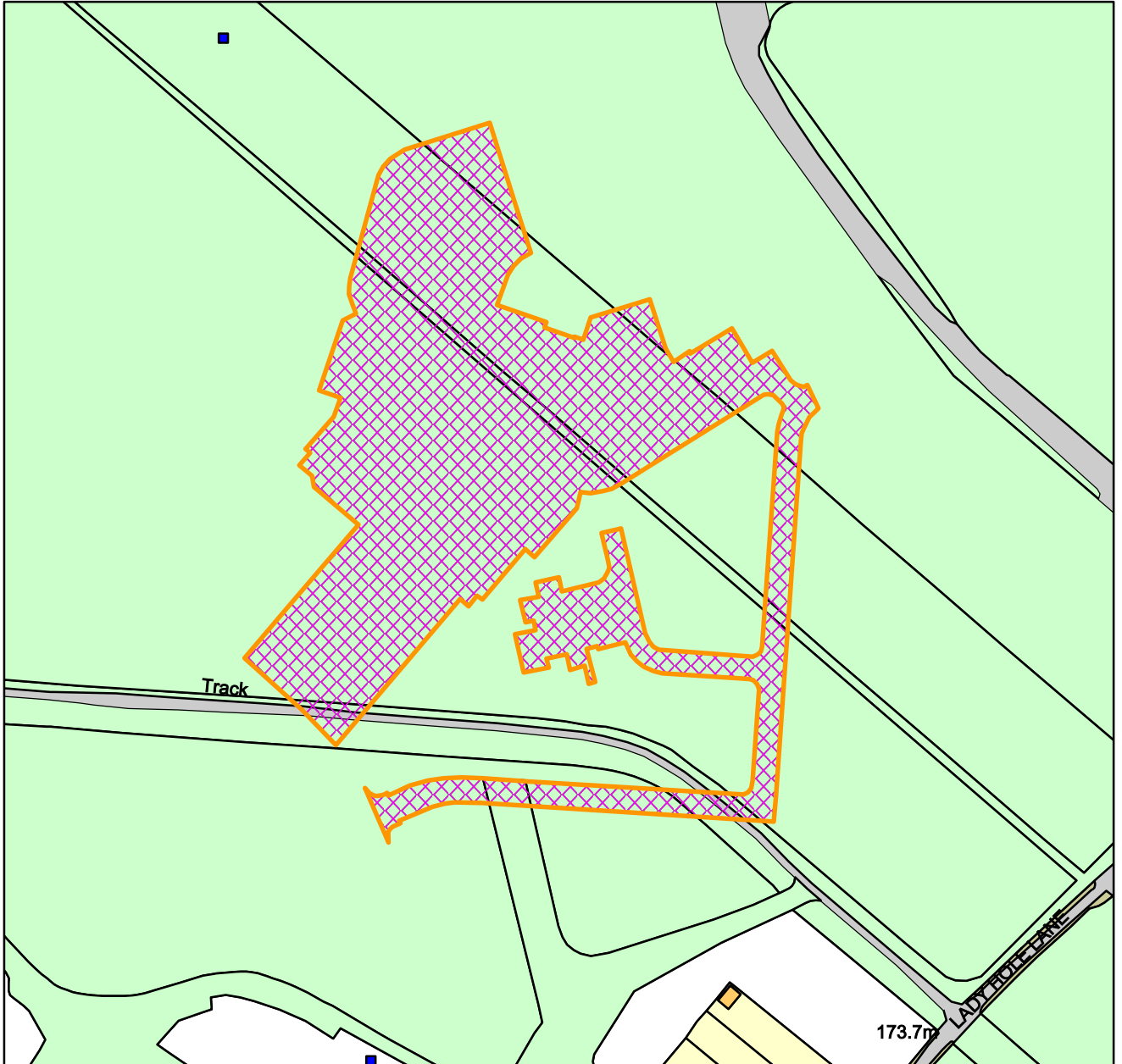
## Supporting Statements

- Briary Energy – Energy Statement dated April 2022
- BWB - Detailed Travel Plan Dated April 2022 Ref: AAF-BWB-GEN-XX-RP-TR-0001-S2-P6 DTP
- BWB – Transport Technical Note Dated 22<sup>nd</sup> March 2022 Ref: AAF-BWB-GEN-XX-RP-TR-0002-TN \_S2-P6
- FPCR – Ecological Appraisal Dated April 2022
- nineteen47 – Design and Access Statement Dated March 2022
- nineteen47 – Planning Statement and Affordable Housing Statement Dated April 2022
- nineteen47 – 3D Visuals Pack Dated March 2022
- DDS – Drainage Statement dated 20<sup>th</sup> April 2022
- DDS – Flood Risk Assessment Rev C May 2022
- GRM Phase 2 Site Appraisal Dated April 2020
- Ashbourne Airfield National Design Guide Review – DWH Response February 2023

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22/00642/FUL

Land Between Ashbourne Airfield And Derby Road Yeldersley Derbyshire



Derbyshire Dales DC

1:2,500

Date: 30/03/2023

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<b>APPLICATION NUMBER</b>		22/00642/FUL	
<b>SITE ADDRESS:</b>		Land Between Ashbourne Airfield and Derby Road, Yeldersley	
<b>DESCRIPTION OF DEVELOPMENT</b>		Erection of 101 no. dwellinghouses with associated access, infrastructure and landscaping	
<b>CASE OFFICER</b>	Mr Chris Whitmore	<b>APPLICANT</b>	Helen Bareford (FW Harrison Estates Ltd and David Wilson Homes East Midlands)
<b>PARISH/TOWN</b>	Osmaston & Yeldersley	<b>AGENT</b>	None
<b>WARD MEMBER(S)</b>	Councillor Shirley	<b>DETERMINATION TARGET</b>	14 <sup>th</sup> September 2022 (EOT agreed up to the 15 <sup>th</sup> April 2023)
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	Major application	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	At the request of Officers to enable Members to fully assess the impact of the development on the surrounding area

<b>MATERIAL PLANNING ISSUES</b>
<ul style="list-style-type: none"> <li>• Site history and policy context</li> <li>• Whether the scheme prejudice the development potential of the adjacent site or larger area in a comprehensive manner</li> <li>• Whether the development will create high quality, beautiful and sustainable buildings and place and the impact on the character of the area</li> <li>• Highway safety and impact on the wider highway network</li> <li>• Affordable housing, housing mix and developer contributions</li> <li>• Impact on adjacent land uses and existing and future residents</li> <li>• Open space and recreation provision</li> <li>• Impact on wildlife and ecology</li> <li>• Surface water drainage requirements</li> <li>• Climate change</li> <li>• Planning balance and conclusion</li> </ul>

<b>RECOMMENDATION</b>
That the application be refused.

## 1. THE SITE AND SURROUNDINGS

- 1.1 The application site is a 2.5 hectare parcel of land located to the north of the junction of the A52 and Ladyhole Lane and south-east of Ashbourne Airfield Industrial Estate within the parish of Yeldersley. The application site includes a strip of land which extends in the south easterly direction and then dog legs south west to connect the recently constructed link road. The site lies immediately to the east of land approved for employment development, including B2 and B8 use.
- 1.2 The site has a separate frontage with the link road and forms part of a larger site which has been approved for housing under hybrid application 19/01274/FUL. The land comprises approximately 14% of the site identified for 367 dwellings in outline under this application, with the vast majority of the site located to the south east.
- 1.3 The site is relatively flat and open and is included within the Settlement Framework Boundary for Ashbourne and has plan allocation (DS1) for a combination of employment and housing.



## 2. DETAILS OF THE APPLICATION

- 2.1. The planning application seeks full planning permission for the erection of 101 no. dwellinghouses with associated access, infrastructure and landscaping. The application site area is tightly drawn around the proposed housing development, with a reliance on the infrastructure serving the adjacent land, the subject of parallel application 22/00641/REM.
- 2.2. Amended plans have been received during consideration of the application, following review by an independent urban designer which has reduced the number of dwellings by one (with the original proposal being for 102 dwellings). The plans relating to the development, the subject of this application, show a separate service road serving a three storey apartment block, parking courtyard area and maisonette apartments off the link road. The remainder of the development is within the main body of the wider site approved for housing development, and comprises a series of houses either side of estate roads serving wider development of the site. The main streets are dominated by frontage car parking. The vast majority of the site is to be built out by Barratt Homes, with the exception of the three storey apartment block and maisonette flats accessed directly off the link road. These properties are to be built by David Wilson Homes.

2.3 The dwellinghouses are of a traditional appearance. The Barratts Material Distribution Plan shows a wide variety of walling materials and roof tiles (large and small format) and their sporadic distribution across the site.

The amended scheme proposes the following mix of 2, 2.5 and 3 storey open market housing on the part of the site, the subject of this application:

- 8 x 1-bedroom dwellings
- 12 x 2-bedroom dwellings
- 45 x 3-bedroom dwellings
- 6 x 4-bedroom dwellings

and the following mix of affordable housing, comprising 4 no. one storey and two storey maisonettes, apartments and houses:

- 8 x 1-bedroom units
- 10 x 2-bedroom units
- 12 x 3 bedroom units

2.4 As set out above, this application relies on the infrastructure associated with parallel application 22/00641/REM. In addition to the Design and Access Statement, amended planning drawings and commentary which assesses the scheme against National Design Criteria, the application is accompanied by the following documents:

- Materials Palette
- Updated Ecology Report (FPCR)
- Travel Plan and Transport Assessment Update (BWB)
- Energy Statement (Briary Energy)
- Drainage Statement (Development Design Solutions)
- Updated Landscape Plans and Landscape Management Plan (Golby & Luck)
- Phase II Site Appraisal (Contamination and Geotechnical Assessment) by GRM.

These documents have been made available for examination and comment and circulated to consultees and in the case of amended plans and documents re-consulted on. They are referred to, where necessary, and pertinent in the officer appraisal section of this report.

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

#### **3.1 The Development Plan**

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

S1	Sustainable Development Principles
S3	Development within Defined Settlement Boundaries
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
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
HC2(c)(d)	Housing Land Allocations

HC4	Affordable Housing
HC11	Housing Mix and Type
HC14	Open Space, Sports and Recreation Facilities
HC15	Community Facilities and Services
HC18	Provision of Public Transport Facilities
HC19	Accessibility and Transport
HC20	Managing Travel Demand
HC21	Car Parking Standards
EC1	New Employment Development
EC6	Town and Local Centres
DS1	Land at Ashbourne Airfield (Phase 1), Ashbourne
DS8	Land at Ashbourne Airfield (Phase 2), Ashbourne

### 3.2 Other Material Considerations:

National Planning Policy Framework (2021)  
National Planning Practice Guidance  
Ashbourne Neighbourhood Plan (July 2021)  
National Design Guidance  
Climate Change Supplementary Planning Document (SPD) (2021)  
Developer Contributions SPD (2020)

## 4. **RELEVANT PLANNING HISTORY**

22/00641/REM	Reserved matters application for the erection of 367 no. dwellinghouses with associated access, infrastructure and landscaping pursuant to hybrid planning permission reference number 19/01274/FUL – Pending Consideration
19/01274/FUL	Hybrid planning application comprising of an outline planning application (all matters reserved) for up to 367 dwellings (with integrated open space), up to 10 hectares of employment land (B1, B2 and B8 business uses), a commercial hub incorporating A1 (Shops) /A2 (Professional/ Financial services), A3 (Restaurants and Cafes)/A4 (Drinking Establishments), D1 (Non-Residential Institutions) and C1 (Hotels) uses and associated highways and drainage infrastructure and a full planning application for the erection of 1no. Industrial unit (B1, B2 and B8 business uses) with access via roundabout and link road and for the formation of an attenuation pond – Granted
14/00074/OUT	Residential development (367 dwellings), employment site, commercial and community facilities, link road, access and landscaping – Granted
14/00075/FUL	Formation of vehicular access to employment site – Land to West – Granted
16/00168/FUL	Formation of new link road – Granted
17/01142/FUL	Variation of link road design incorporating enlarged drainage facility and foul pumping station – Granted
18/00767/VCOND	Variation of conditions 6 and 7 of planning application 14/00074/OUT to allow a start to be made on site prior to road improvements being carried out – Granted
CD3/0419/1	Provision of 40m diameter roundabout junction – Granted

## 5. CONSULTATION RESPONSES

### 5.1 Osmaston and Yeldersley Parish Council:

#### Comments on the original scheme:

Object, for the following reasons:

1) Lack of an overall Development Plan for Ashbourne Airfield Cllrs note that all three planning applications submitted so far have been different e.g. the current planning application(s) don't follow any plans submitted before. To accept this current plan is to accept problems that will come up in the future. In the opinion of Osmaston and Yeldersley Parish Council it is vital that thorough consideration is given to the infrastructure for the development BEFORE the houses are built.

2) Drainage / Flooding Cllrs are concerned about the lack of detailed information regarding drainage for the site as all the streams and water/run off from ditches end up in Osmaston Lakes. Cllrs are concerned about what will happen to surface water run off / flooding as the greenfield runoff has been exceeded.

#### 3) Attenuation Ponds

a) Cllrs understand that the two attenuation ponds will not be fenced off, instead they will be part of the green space(s) offer on the development and residents/visitors will be able to walk around them. Is this correct? Cllrs are concerned about resident/visitor safety as these ponds are usually fenced off.

b) Where is the water going to from the attenuation pond at the rear of the development? With regards to the surface water it was the Parish Council's understanding that the detention pond already constructed was for the water run off of the road, not the housing. If the housing run off goes to the new attenuation pond, where is the outflow from that? At a recent meeting with the David Wilson Homes planning department they were unclear on this point.

#### 4) Sewage

There are already issues with the current sewage system at the top end of Blenheim Road, which is struggling to cope with the new housing developments. It appears from the new planning applications that the foul from the proposed site will be pumped up to that point further exacerbating the problem.

#### 5) NHS

Cllrs are concerned about the lack of provision for additional services, given the size of the development.

#### 6) Design of New Houses - Heating

No gas or oil boilers are to be fitted in newly built homes from 2025, meaning that all new homes built after 2025 will have to have an alternative heating system. The development will have to comply with these new regulations so the designs will have to change, yet again, to ensure that new homes have the capacity to include renewables e.g. suitable external space for an air source heat pump unit and internal space for the associated tanks or suitable roof space for solar water heating systems and internal space for a tank. In addition, Cllrs could not see any provision for external power sources for electric cars.

#### 7) Design & External Appearance / Layout / External of houses

Impact on Ladyhole Lane properties. Cllrs raised concerns about the design of the new development and the impact of the development on the houses along Ladyhole Lane. Several residents/properties have been refused planning applications, in recent years, for proposed extensions. The reason(s) given include the fact that the designs were out of character with the street scene. However, no such requirements seem to have been applied to the proposed designs for the new houses, which will be visible from Ladyhole Lane. In addition these houses will be higher than the properties on Ladyhole Lane and the design and appearance of these houses will not be in keeping with the houses on Ladyhole Lane. Cllrs would also like to see a defined buffer zone between the airfield development and the properties on the Ladyhole Lane. Cllrs wish to see a street scene elevation plan supplied with particular relevance to No 3 Ladyhole Lane.

#### 8) Provision of local school places / new school

Cllrs' understanding, based on previous plans, is that Osmaston CE (VC) Primary School would be eligible for Section 106 funding to supply the additional, potential 70 school places, for families moving onto the new development. There is no provision for these children and their parent/guardians to walk/cycle to the school in Osmaston. Given that there is no pavement along Church Lane it seems reasonable to assume that parents will drive their children to school, thus increasing the difficult situation already in place at drop off/pick up time in Osmaston. In addition, is this in line with Derbyshire County Council's Local Transport Plan, currently in place until March 2026, which refers to working with schools to promote sustainable travel such as walking, cycling and using public transport?

#### Comments on the amended scheme:

At the recent Parish Council meeting, held on Tuesday 14th March, Cllrs reiterated their concerns.

- 1) There is still no overall infrastructure Plan for the Ashbourne Airfield development.
- 2) There does not appear to have been any assessment about the design of the new development and its relationship to existing properties on Ladyhole Lane, in spite of Cllrs raising this matter in their comments to the Planning Committee after the Parish Council meeting held on Tuesday 19th July 2022.
- 3) There is no information about additional GP / dental services for Ashbourne, which will surely be required given the size of the development.
- 4) There is no evidence of the proposed sports facilities.

In addition Cllrs have not seen any evidence to show that an Urban Designer has been employed to review the development plans.

If Derbyshire Dales District Council accept this current plan it will be accepting inevitable future problems, as already raised by Osmaston and Yeldersley Parish Council and Ashbourne Town Council.

In the opinion of Osmaston and Yeldersley Parish Council it is vital that thorough consideration is given to the infrastructure for the development BEFORE the houses are built.

#### 5.2 Ashbourne Town Council:

Object.

Members feel that the plan is not a finite plan and would like to see a detailed master plan for the whole of the Airfield Industrial Estate as the larger development will have a major

impact on the infrastructure within Ashbourne. Only showing a section of the development will not show the whole picture and the impact on education, health, highways and adult social care as it is being drip fed to all parties giving an unrealistic view of the facilities needed for all residents.

The development appears to be of a similar size to the near-by village of Brailsford, which has its own supporting amenities and infrastructure including school, doctors, shops and a post office. Members raised concerns that a development of this size does not show the necessary infrastructure. Members raised concerns that the proposed housing is not energy efficient and would like to see a more carbon neutral development as per the development at

Cawdor Quarry, Matlock which appears to link to the Local Plan Policy PD? Climate Change and takes into account the Climate Change Supplementary Planning Document Section 6 "Improving Building Design and layout to Meet the Objectives". This appears not to have been considered within this development.

Concerns were raised regarding the sewerage being pumped from the development to Osmaston Crossroads and back to the main sewer, which is already outdated by existing and more recent housing developments. Members were disappointed that the Neighbourhood Plan was not a consideration factor as the development is outside of the designated area.

The proposed development will also land-lock an area owned by JCB with the only access being from Lady Hole Lane.

### 5.3 Local Highway Authority (DCC):

The full application provides for an additional 102 dwellings over the previously consented 367 at outline stage.

The application forms part of the Ashbourne Airfield site, allocated within the Derbyshire Dales Local Plan, adopted on 7th December 2017. It is split into two phases, Phase I under Policy HC2(c) and EC2(a) which is already consented and the subject of this application. A second Phase (II) would see a further 1,100 dwellings together with some employment use under policy HC2(d) and EC2(b), consequently the principle of development for the application site has already been established through a number of previous planning applications.

One question is, does the increased quantum of residential development arise from phase two, or is this simply a case of having looked at the site, the developer has concluded that a further 102 dwellings can be squeezed within the footprint of the redline area, consequently when fully built out accommodating 1,500 plus dwellings together with the environmental and ancillary uses? It is noted that the redline boundary is slightly adjusted and some of the residential is located on previously consented commercial use, however should this be the case, as phase 2 is brought forward, any quantum of development above that previously approved would need to demonstrate the satisfactory operation of the site access and the wider highway network.

Having considered the TN together with various notes and other supporting information that I have managed to glean through previous applications and consultation, given that the traffic forecast is based upon a number of parameters, assumptions, extrapolations, and other variables, the Highway Authority is reasonably comfortable with the incremental effects of the 100 dwellings being probably within the margin of error. There are however a number of concerns:

- Residential development although supported in the local plan is somewhat distant from the centre of Ashbourne; therefore, in order to reduce the need for off-site travel, development of this site needs to be accompanied (i.e., supported) through the provision of local community facilities; convenience stores, shops, entertainment, public houses etc. Is the intensification of residential usage enabled by a reduction in the provision for local amenities? This could result in residents who would have used these facilities having to travel off site instead.
- The TN notes that the junction would operate at the limits of its theoretical capacity, experiencing a maximum RFC of 0.97 with a maximum queue length of 20.7 pcus and an average delay of 1.06 minutes per vehicle during the evening peak hour on the A52 (N) arm, adding that that 'this sensitivity test' (Note however that no sensitivity testing has actually been undertaken by BWB as part of their technical note as this seems to have been undertaken by 'others') is based on 2033 future year flows and an unlikely single lane operation at all arms throughout the peak hour. The results demonstrate that the junction should operate satisfactorily.
- It was noted during a recent site visit that the roundabout has been constructed (although the link road into the site does not open to traffic) and has a diameter of some 50 metres with two lane entries to all approaches. The roundabout is a 'belt and braces' job, the sensitivity testing of future traffic is based on a robust level of trip rates for the future phase two residential development, hence the sentiments expressed above. However, it should be stressed that the level of queuing indicated above is not acceptable and does not set a precedent for other developers to use this as a basis for relaxation at other sites.

With regard to the Travel Plan, the following comments are made:

The road layout and geometry should be such to enable access by buses along the main access road. Consider shared space design principles where appropriate, in consultation with the Local Planning Authority.

Pedestrian walkways at all proposed access points should be provided to relevant standards to match into existing provision, complete with lighting, surfacing and dropped tactile kerbs as appropriate.

The closest bus stops on the A52 should be upgraded as appropriate, to include raised kerbs, shelters, timetable cases, lighting, highway bus stop markings and real time information wherever feasible and not already in place. This to include those stops as per item 3.23, at the A52 / Lady Hole Lane / Church Lane crossroads.

Any enhanced bus service should commence operation as soon as reasonably possible, and prior to (or upon) first residential occupation.

The main access road between the A52 and Blenheim Road industrial estate road should include the provision of at least one bus stop in either direction, to serve the residents and employees at the new development. Bus infrastructure should include that outlined as above, ie. raised kerbs, shelters, timetable cases, lighting, highway bus stop markings and real time information.

The Local Highway Authority point to what would any travel pack would need to include and advise £58,625 should be set aside for a development of 469 dwellings for bus taster tickets in negotiations with Trent Barton.



The Local Highway Authority provide technical advice of the adoption of the estate roads and seek an amended layout to address the comments made and make the following 'other' comments:

The Design and Access statement lists a selection of location facilities that are 'a shortdrive (under 3 miles) away'. These are the journeys that could be undertaken by non-motorised methods however there are no details submitted on any pedestrian or cycle linkage through the site or into Ashbourne. The route of the proposed Local Cycle Network passes through the site, and the development provides the opportunity to deliver the route through the site and improve the links to the town centre.

#### 5.4 Development Control Archaeologist (DCC):

Previous applications for the Airfield site (covering a larger area than the current red line boundaries) have been subject to archaeological investigation because the proximity of known prehistoric archaeology. Desk based assessment, geophysical survey, and evaluation trenching were carried out to assess archaeological potential and significance, and concluded that the site overall is of low archaeological significance (these reports have been submitted with the current application). It was therefore recommended that no further archaeological work was needed in relation to the previous planning proposals, and this conclusion is equally relevant to the new applications.

#### 5.5 Derbyshire County Council (Place)

The local County Councillor, Councillor Steve Bull has been consulted for his views on the potential infrastructure requirements that may require contributions from developers. Councillor Bull would hope that the need for proper infrastructure, highways extra vehicle movements, funding towards schools needs and the parish council's comments are taken into account.

With regard to any highways issues, the County Council's highways response as a statutory consultee offers impartial technical analysis as Highway Authority and is provided under delegated powers. Comments received from the Local Member regarding highway related matters will always be considered by officers, however it is not always possible to incorporate these into the Highways statutory technical response. Members may therefore provide direct responses to the Local Planning Authority in their role as a County Council community representative.

With regard to strategic infrastructure provisions the County Council advise the following:

##### Education:

There would be a need to mitigate the impact of the proposed development on primary, secondary and SEND school places in order to make the development acceptable in planning terms.

Based on the agreed wording for primary and secondary education within the recently signed Section 106 agreement for the larger portion of the Ashbourne Airfield site (19/01274/FUL), the County Council therefore requests financial contributions as follows:

- £326,979.90 towards expansion of Osmaston CE (Controlled) Primary School, however in the event of it proving impossible to expand, the contribution shall be spent on another primary school within a 3 mile radius of the site, the identity of the school to be agreed between the owner and the County Council.
- £588,694.47 towards the expansion of Queen Elizabeth's Grammar School. In the event of it proving impossible to expand Queen Elizabeth's Grammar School the

contribution shall be spent on another secondary school that may be attended by the occupiers of the residential element of the development, the identity of the school to be agreed between the owner and the County Council.

- £74,218.90 towards SEND places

### Broadband

An advisory footnote should be attached to any 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.

### Library Services

In this instance a stock only contribution of £7,160 is sought and is calculated as follows:

102 dwellings x 2.3 (average household size) = 234 people

234 people x 1.532 (stock level per person) = 358 stock items

358 (stock items) x £20 (cost per stock item) = £7,160 (i.e. £70.19 per dwelling).

### Public Health and Adult Social Care

Adult Social Care and Health (ASCH) comments remain similar to those expressed previously with regards to the application for 367 dwellings.

ASCH would like to see housing which enables downsizing and independent living, as expressed in the County Council's accommodation strategies. Concerned remains about the inadequate sizing of some dwellings and excessive space of others, arguing against space being used efficiently.

Dwellings on one level are needed to accommodate users with limited mobility. This, coupled with the size issues suggests that the 'high standard of amenity for all' and design to ensure 'flexibility for future needs and uses' could be improved.

It is requested that there are more affordable 3-bed dwellings for families, and that all dwellings meet M4(2) Standards to comply with NPPF paragraph 127's requirement for developments to 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standards of amenity for existing and future users.

### Monitoring fees

In line with the revised Community Infrastructure Levy Regulations 2010 (as amended) Regulation 122 2(a), the County Council will seek a monitoring fee towards the monitoring and reporting of S106 contributions. The fee will be based on the cumulative number of triggers to be monitored for County Council obligations x f:73.50 (based on 2 hours officer time Grade 12).

## 5.6 Derbyshire Fire and Rescue Service:

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

The Fire and Rescue Authority strongly recommend the Installation of a Domestic Sprinkler System in the above premises, however should you choose not to install a Domestic Sprinkler System at this stage, the Fire and Rescue Authority would like to recommend that

you provide a minimum 32mm water supply capable of delivering the required volumes which would allow an installation to be carried out easier and at less cost should this be proposed in the future.

#### 5.7 Force Designing Out Crime Officer (Derbyshire Constabulary):

##### Comments on the original scheme

As with the larger site I've no real issues with the layout proposed.

Comments regarding lighting are similar to that for the larger site.

I don't see any private lighting provision allocated at all.

Communal garden access routes appear to be secured except for plots 169-171 and between plots 70/71, 72/73 and 74/75.

There is no boundary treatment plan specific to this portion of the development.

The one posted online is plan H8537 003-02 which is drawing 2 of 2 for the larger site. Comments regarding gating form, a communal gate spec' for shared routes and clarifying knee rail provision are as with the larger site.

The greater majority of key plot treatment is very good.

The only exception, and this might be seen as a bit picky, but is shown up mainly by the excellent treatment of the rest of the site, are the type 50 units overlooking the small shared parking court for plots 179 and 180, where only a small lounge window is provided on the facing side elevations.

##### Comments on the amended scheme

Similar comments regarding lighting provision as for the larger portion of the site.

The communal parking areas for plots 459-468 and 448-458 will require a private (solar) column lighting scheme.

The boundary plans listed on your website for this this application are both for the larger portion of the site, not the 101 house provision.

However, assuming the general provision will be the same as for the 367 units portion all should be fine, excepting that the rear garden fence for plots 448-454, which should have an upper 500mm section of engineered trellis to open up views of the allocated parking provision.

There are communal gates shown on the site plan for this part of the site, but as with 22/00642 no detailed plans to flesh this provision out.

In addition a communal gate needs to be added for the garden access for plots 372-374.

#### 5.8 Environmental Health (DDDC):

No objections subject to the following recommended condition:

Construction works shall not take place outside 0800 hours to 2000 hours Mondays to Fridays and 0900 hours to 1300 hours on Saturdays nor at any time on Sundays or Bank Holidays.

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

The Lead Local Flood Authority (LLFA) have assessed the information available for planning application 22/00641/REM and have advised that they are unable to make an informed comment until the below points are addressed.

1. The hybrid application 19/01274/FUL which set the spine drainage network below the new highway did not account for another discharge point into the attenuation basin. The new proposals are to discharge network 1 into the basin rather than the stub at S16 of the spine network. In principle this is acceptable only if it can be demonstrated that this change in proposal does not impact the capacity required in the attenuation basin.
2. The ditch proposed to be filled in should remain open as it may mitigate flooding outside the site boundary to existing property.
3. Any proposed amendments to the attenuation basin's access track should demonstrate there will be no negative impact on the structural integrity of the bank of the attenuation basin, its volume or the safety of those utilising the access track.
4. The discharge of 17 m<sup>3</sup> of surface water from network 1 to the ditch via S4 during the 1% plus climate change event is not in line with NPPF as these flows will leave the site into a watercourse and this risk to properties outside the development boundary has not been assessed. There is also no accounting for the c2 m<sup>3</sup> of surface water flooding from S2 during the 1% rainfall event.
5. In Network 2 19 nodes indicate flooding during the 1% plus climate change event, there is no information as to how this will be managed to not put proposed and existing properties at risk of flooding.
6. The drainage design is expecting prospective property owners to maintain and manage below ground attenuation, shown as private attenuation tanks on the drainage and levels appraisal sheet, some of these tanks are within the boundary of multiple properties. How will the maintenance of the private attenuation tanks be secured in perpetuity?
7. No information has been provided to show how the impermeable areas from plots 69 to 90 will drain into the existing network without increasing flood risk to the proposed properties. This list is not exhaustive and further questions may arise.

#### 5.10 Derbyshire Wildlife Trust

In addition to comments to carry out further survey work to inform mitigation measures during construction, particularly in respect of the Open Mosaic Habitat and extent of proposed habitat for dingy skipper and small heath and the production of a future management plan, Derbyshire Wildlife Trust make the following concluding comments:

The development of Ashbourne Airfield is identified within the Derbyshire Dales Local Plan 2017 and has been divided into two phases. The first Phase which relates to this application is subject to policy DS1 and should comply with this policy as well as the other Adopted Local Plan policies. In relation to ecology the following parts of Policy DS1 appear to be relevant: -

- Provision of a comprehensive landscaping plan including the retention of landscape features to the northern and eastern site boundaries, the provision of a substantial landscape buffer between existing and new development; Bradley Wood and the surrounding countryside and the enhancement of Green Infrastructure linkages.
- The provision of an area reserved for wildlife along the north eastern boundary.

- Provision of public open space and green infrastructure on site with links established to the wider countryside.

In relation to the first two requirements it is unclear how Phase 1 of the Ashbourne Airfield development is going to deliver these as they relate to actions on land that lies mostly within Phase 2 of the development. This raises the problem that impacts on ecology within the whole of Ashbourne Airfield are not being dealt with holistically, but are being looked in isolation for smaller parts of the site. Some habitats such as open mosaic habitats on previously developed land could be undervalued by this approach and may not be sufficiently mitigated.

We therefore seek clarification on how the applicant intends to meet the Policy requirements of DS1.

We would also highlight that condition 15 of the planning permission for 19/01274/FUL requires the creation of 'a network of suitable habitat for dingy skipper and small heath' within the development site. The provision of this network needs to be clearly mapped out within the entire Phase 1 area.

### Biodiversity net gain

The PEA refers to achieving a net gain (section 5.42), but as the habitat losses and any gains through habitat creation have not been quantified it is difficult to know if there is a net gain or not. For example, the area of species rich grassland within the green infrastructure has not been specified. This could be clarified through use of Defra's Biodiversity metric calculator (v3.1 is the most current one). It seems likely that a net gain can be achieved for habitats, but the Council is advised to request confirmation of this through the application of the metric.

### 5.11 Community Development Manager (DDDC):

I have reviewed the latest planning application and ran it through Sport England's playing pitch calculator with the 469 dwellings, see below information. Could you please ask the developer how they will ensure the sports pitch provision is provided on the development?

	Number of pitches required to meet the estimated demand	Capital Cost	Lifecycle Cost (per annum)	Changing rooms (number)	Changing rooms (capital cost)
<b>Total</b>	<b>1.50</b>	<b>£248,929</b>	<b>£38,067</b>	<b>2.14</b>	<b>£386,837</b>
<b>Natural Grass Pitches</b>	<b>1.42</b>	<b>£170,682</b>	<b>£35,406</b>	<b>1.98</b>	<b>£358,144</b>
Adult Football	0.27	£28,864	£6,090	0.55	£99,582
Youth Football	0.43	£36,241	£7,611	0.61	£110,494
Mini Soccer	0.30	£7,996	£1,679	0.00	£0
Rugby Union	0.18	£26,219	£5,611	0.36	£64,612
Rugby League	0.00	£0	£0	0.00	£0
Cricket	0.23	£71,362	£14,415	0.46	£83,457
<b>Artificial Grass Pitches</b>	<b>0.08</b>	<b>£78,247</b>	<b>£2,661</b>	<b>0.16</b>	<b>£28,693</b>
Sand Based	0.03	£22,660	£702	0.05	£9,419
3G	0.05	£55,588	£1,959	0.11	£19,274

## 5.12 Environment Agency

This site lies fully within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the site.

This development site appears to have been the subject of past industrial activity which poses a high risk of pollution to controlled waters. However, we are unable to provide site-specific advice relating to land contamination as we have recently revised our priorities so that we can focus on:

- Protecting and improving the groundwater that supports existing drinking water supplies
- Groundwater within important aquifers for future supply of drinking water or other environmental use.

- 

We recommend that you refer to our published 'Guiding Principles for Land Contamination' which outlines the approach which should be adopted when managing this site's risks to the water environment.

We also advise that you consult with your Environmental Health/Environmental Protection Department for advice on generic aspects of land contamination management. Where planning controls are considered necessary, we recommend that the environmental protection of controlled waters is considered alongside any human health protection requirements. This approach is supported by paragraph 174 of the National Planning Policy Framework.

## 5.13 Director of Housing

Made the following comments in respect of application 22/00641/REM:

I note the limited detail concerning the affordable housing provision. I would make the following observations:

1. 15% provision is below the stated target of the Local Plan.
2. there appears to be no detail of the tenure split of the affordable homes. I would anticipate a split of 80/20 in favour of social rent
3. I would expect a site of this size to make a broader contribution to the affordable housing stock, with a minimum of 2 x 4 bed homes for rent. The affordable housing mix should include 1, 2 and 3 bed houses rather than a focus on 1 and 2 bed flats.
4. the floor area of the proposed affordable housing units should relate to the national prescribed space standards.
5. It would be sensible for the developer to have early discussions with local registered providers with the financial capacity to take on the likely number of affordable homes.

## 5.14 Derby and Derbyshire Clinical Commissioning Group:

The development is proposing 102 (A) dwellings which based on the average household size of 2.5 per dwelling and assuming 100% of the new population would come into this area for primary care health provision would result in an increased patient population of approx. 255 (B) (2.5 x A).

It is unlikely that NHS England or NHS Derby and Derbyshire CCG would support a single handed GP development as the solution to sustainably meet the needs of the housing development and that the health contribution would ideally be invested in enhancing capacity/infrastructure with existing local practices.

A commuted sum, based on the additional patients to be accommodated and standard area m<sup>2</sup>/per person and extension costs of £91,800 is requested.

The CCG would like to discuss the potential for S106 funding to be used as a contribution towards providing additional clinical space in the area, to include;

- Ashbourne Medical Practice
- Ashbourne Surgery
- Brailsford and Hulland Medical practice

## 6. REPRESENTATIONS RECEIVED

6.1 Ten representations have been received from local residents and local sport organisations and one representation from the adjoining land owner have been received, all objecting to the proposed development.

The objections from the ten local residents and sport organisations can be summarised as follows:

- As Chair of the local youth football club I have grave concerns that additional housing without provision for additional sports facilities will further overload our limited/remote facilities. Since the original application was submitted - Ashbourne Aztecs JFC has grown significantly and we continue to grow. We started this year with 16 boy/mixed teams and 1 girls team and have grown again to 18 boy/mixed teams and 3 girls teams. Potential exists already in the town to add another 15 girl teams! We already have to leave Ashbourne to find sufficient capacity to train and play matches - regularly utilising facilities at Mappleton, Shirley and Osmaston in addition to maximising utilisation at local facilities such as Ashbourne Leisure Centre, QEGS school Sports Hall and QEGS school outdoor hockey pitch (not really suitable for football but the best we can secure for winter training given the absence of a local 3G floodlit pitch).
- Has the Sport England objection actually been removed as claimed?
- Current applications state that Sport England objection was removed. Yet the Sport England objection removal was CONDITIONAL on a suitable mechanism being put in place to secure adequate sports provision in Phase 2 and/or financial contribution toward off-site provision.
- What mechanism / financial contribution has been put in place to support the applicants claim that the "Sport England objection has been removed?"
- The sports provision for 367+102=469 dwellings is higher- requiring 1.5 pitches & 2.14 changing rooms.
- Where is Sports provision planned?
- The original application indicated where the sports provision would be provided. The current (new) application replaces this with 102 dwellings.
- This application replaces extant planning application 14/00074/OUT which established the development principles for the further development of Phase 1 of the Airfield development. This contained two football pitches to support the community provision element of the planning application to make it sustainable with regard to the National Planning Policy Framework (NPPF) and the District Council's Local Plan.
- Ashbourne Sports and Community Partnership has asked for a modification to the employment element of phase 1 of the Airfield development to accommodate a new football ground for Ashbourne FC.
- Ashbourne Football Club has been looking for a home in Ashbourne for well over a century. The land at Ashbourne Airfield offers an excellent location for a new home for the club.
- The development is incremental with regard to the comprehensive development of the whole Ashbourne Airfield development site as allocated in the District Council's Local Plan and that a masterplan must be completed and approved.

- There is insufficient sport and leisure opportunities in this proposed development to ensure that the development proposal is sustainable with regard to the National Planning Policy Framework and the Derbyshire Dales District Council Local Plan (2017).
- This amended application removes a large recreation areas with two football pitches and replaces it with 102 dwellings.
- I object to the removal of the football pitches. What are local residents supposed to do for recreation? The original plan was far better.
- The walkway around the pond is so close to the boundary of 1 and 2 Oak Tree Cottages and more than 4ft higher than our gardens. Where is the associated planting we were promised? Anyone from these houses will be allowed to walk around this monstrosity 24hrs a day.
- I have 4 windows and a conservatory on the back of 2 Oak Tree Cottages. There is no privacy.
- How will Lady Hole Lane cope with all the extra traffic?
- I am very sad that a beautiful green space is going for housing and no more crops.
- Why do the houses have to be so close to the back of Lady Hole Cottages with all the room? Can you and should you not have a buffer zone?
- The first plans were for a business park and light industry with green spaces and trees.
- Lady Hole Lane has had a lot of water running down it from day one of the work starting.
- We have to put up with noise and mess for 2 ½ years.
- What will happen when they break up the airfield and all its drains which have worked very well for many, many years?
- I am worried about all the water as we sit lower down on Lady Hole Lane.
- Please do not let them put a road out to Lady Hole Lane as the traffic is bad now.
- Clearly the Airfield Phase 1 development is one of the most significant in Ashbourne's history.
- It is vital that the development sets high standards in terms of its design whilst minimising any possible negative impacts on existing communities in Ashbourne.
- From the 2019 application to the current one, housing density has increased from 23 dwellings per hectare (dph) to 30. In the developer's planning application they say 23 is atypically low. However it compares well with current local estates, including one new-build by the same developer. There is sufficient land on the airfield to allow residents more green space. It may not all belong to this developer but that is not a reason to overbuild on this part.
- The applicant would appear to be contrary to 2017 Local Plan policy S1 bullet point 3; Making efficient use of land by optimising the use of sites whilst also reflecting the character, accessibility and infrastructure capacity of the area.
- Although the 2014 and 2019 applications make reference to community facilities there are none guaranteed to be present in these 2022 applications. These appear to be left to 'Development by Others'. So the nearest local facilities would be the shops at the other end of Blenheim Road – about a half hour walk away.
- The selection of the Tier 1 market towns in the development hierarchy of the 2017 Local Plan is based on the idea that they provide the local infrastructure to support the new homes, accessible with minimal travel. The problem with Ashbourne Airfield is that it is just so far from the centre of Ashbourne, 2 miles from GP surgeries or Market Square. It is, in effect, a new village.
- Every home in the proposed development is to be fitted with a gas combi boiler. The reasons given in the energy statement in the application do not stand up to serious scrutiny and the research quoted is already made irrelevant by the increase in fossil fuel prices.
- Only a minority of buildings are to be equipped with solar panels and even this appears to be optional. The development would be contrary to Policy PD7 in this respect.
- There do not appear to be any EV charge points planned.
- Although the original 2014 application made an in depth assessment of the impact that the extra road traffic would make on congestion in the centre of Ashbourne, this aspect appears to have disappeared from both the 2019 and 2022 transport reports. Instead the



only concern appears to be the impact of the extra 102 homes on the new roundabout on the A52. There seems to be no concern as to where the traffic goes after this.

- Since Ashbourne now has an Air Quality Management Area this would seem to be a material consideration for planning purposes.
- The Travel Plan indicates that cycling will be encouraged (and suggests a target 50% increase, although from a small baseline). However there is no provision for cycle routes from the new development. Instead cyclists would need to choose either the A52 or Blenheim Road through the industrial estate for their journey to work / shops / GP etc.
- It appears that homeowners will be responsible for the lighting of some shared paved areas (as well as their maintenance). This pattern of 'un-adoption' of communal areas does seem to be a recipe for future problems.
- We would like to be involved in any future discussions because we can see the development from our sitting room window and our garden, we can hear workings on the site from our garden and we are concerned that the restrictions around the preservation of Ladyhole Lane as a country lane are adhered to in future plans i.e. a scree of trees (buffer) and no exit onto the lane.

The following comments have been received from the adjoining land owners, objecting to the proposed development:

The Application constitutes a freestanding application relating to part of the site allocated as DS1 in the adopted Derbyshire Dales District Local Plan ('the Local Plan'). DS 1 is phase 1 of the development of the Ashbourne Airfield site. Phase 2 is allocated in policy DS8 of the Local Plan.

The phase 2 allocation includes land ('the BPL Land') owned by our client, Bamford Property Limited ('BPL') and we are instructed by BPL to make the following representations in respect of the Application.

Both policies DS1 and DS8 of the Local Plan recognise the need for development of the Ashbourne Airfield site to be delivered in a comprehensive way. The Application fails to accord with that approach in a number of respects.

If the Application and accompanying application for approval of reserved matters for 367 dwellings (ref 22/00641/REM) are approved, this would result in housing densities for the phase 1 allocation being increased from 367 dwellings to 469 dwellings - an increase in density of 28%.

That represents a material increase/departure from the housing densities approved for the phase 1 and 2 allocations of the airfield site through the Local Plan process and the previous outline planning permission and hybrid planning permission for the phase 1 site.

If the approach in the Application were approved by the Council, it is difficult to see on what basis a similar increased density would not be acceptable for the phase 2 allocation of 1,100 dwellings.

Such an approach would result in an overall increase in the number of dwellings coming forward on phases 1 and 2 of over 400 dwellings. That is clearly not a matter envisaged by policies DS1 and DS8 of the Local Plan in its current form and in BPL's view, it is not a matter that should be dealt with through an ad hoc piecemeal planning application such as the Application.

It has also not been demonstrated that the infrastructure/services for the airfield site (in particular access) have sufficient capacity to accommodate such additional development, particularly given the existing allocation within phase 2. For the reasons set out above, it is not merely a question of assessing capacity for an additional 102 dwellings. If an increase

in density of 28% is to be approved in the Application this has consequences for the entire site.

In BPL's view, before any increase in density on the phase 1 allocation can be approved, it is necessary for such an approach to be considered comprehensively for the entire airfield site, to consider whether such an approach is acceptable to the Council in principle and, also whether the necessary infrastructure is in place to support development of such an increased scale across the entire site.

We have attached to this representation a report by SCP which sets out why the issue of comprehensivity should be addressed for the wider airfield site at this stage before individual/piecemeal applications such as the DW application are allowed to come forward and why a comprehensive approach to the provision of infrastructure is required. The SCP report addresses that issue specifically in relation to access and whether the capacity of the site access roundabout and offsite junctions are sufficient to accommodate the full local plan allocations together with the increased development.

Failure to adopt a comprehensive approach will result in effectively 'land-grabbing' through a piecemeal approach to development, with the result that the comprehensive development of the wider airfield site is potentially prejudiced.

The above concerns are even more acute in the case of the airfield site given that the new roundabout junction from the A52 which is a key element of the supporting infrastructure for the whole site (including phase 2) was partly funded using public funds specifically with the justification that it would facilitate and serve the comprehensive delivery of the wider allocated airfield site i.e for both phase 1 and 2.

Given the strategic nature of the allocations at the airfield site, BPL considers it is important that a comprehensive approach to the development of both phase 1 and phase 2 is adopted in accordance with the requirements of policies DS1 and DS8 of the Local Plan and that piecemeal development such as that proposed in the application, which fails to accord with that approach, should not be approved.

## **7. OFFICER APPRAISAL**

### Site history and policy context

- 7.1 The wider site is allocated for a mixed use development of 367 dwellings (housing allocation HC2(c)) and 8 hectares of employment land (employment land allocation EC2(a) with the employment uses being predominantly B1 and B2 with only ancillary B8 usage. The application site relates specifically housing development component and has been submitted with application code ref. 22/00641/REM which seeks approval of the quantum of development approved under hybrid planning application 19/01274/FUL on 86% of the site identified for such use.
- 7.2 As can be noted from the representations received, reference has been made to a previous planning permission (14/00074/OUT) which indicated the provision of playing fields. The consideration of application 14/00074/OUT pre-dated the adoption of the local plan but the scheme that was approved in outline with all matters reserved and was carried forward into the local plan allocation for site DS1: land at Ashbourne Airfield (Phase 1). This allocation covers 39.35 hectares and includes land surroundings the application site. Application 14/00074/OUT has since been replaced by hybrid planning application code ref. 19/01274/FUL.
- 7.3 The local plan has also allocated land to the north of the original scheme under local plan allocation DS8 : Land at Ashbourne Airfield (Phase 2). This 58.68 hectare site is allocated

for mixed use development with housing allocation HC2(d) covering a further 1100 dwellings and employment land allocation EC2(b) a further 6-8 hectares of employment land. This allocation has requirements for educational and community facilities and requires the preparation of a comprehensive masterplan and phasing programme.

- 7.4 Planning permission 19/01274/FUL gave outline planning permission (with all matters reserved) for 367 dwellings (with integrated open space), up to 10 hectares of employment land (B1, B2 and B8 business uses), a commercial hub incorporating A1 (Shops) / A2 (Professional / Financial Services), A3 (Restaurants and Cafes) / A4 (Drinking Establishments), D1 (Non-residential Institutions) and C1 (Hotel) uses with associated highways and drainage infrastructure and full planning permission for the erection of one industrial unit (B1, B2 and B8 business uses), the access via a roundabout from the A52, the link road through from this to Blenheim Road and the formation of the surface water detention basin on land forming the vast majority of strategic housing and employment land allocation DS1 of the Adopted Derbyshire Dales Local Plan (2017).
- 7.5 The roundabout and roundabout arm at the site entrance have been formed and the attenuation basin and link road through the site have been construction, with the opening of the link road anticipated in the near future, following adoption by the Local Highway Authority.
- 7.6 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the purposes of the Act is the Adopted Derbyshire Dales Local Plan (2017). The National Planning Policy Framework (2021) is an important material consideration in respect of this application.
- 7.7 The application site lies outside of the Ashbourne Neighbourhood Plan Area despite including a section on the airfield site.
- 7.8 The Council is unable at this time to demonstrate a 5 year housing land supply. Paragraph 11 d) of the National Planning Policy Framework is therefore engaged. Paragraph 11 d) advises that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed [7] ; or
  - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In respect of footnote 7 the policies referred to are those in the framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68 in chapter 16); and areas at risk of flooding or coastal change.

- 7.8 In this case, the site is already allocated for housing development in the Adopted Derbyshire Dales Local Plan (2017). The site is also located within the settlement framework boundary for Ashbourne as defined in the Adopted Derbyshire Dales Local Plan (2017). Ashbourne is a main market town and a first tier settlement, which are the primary focus for growth and development to safeguard and enhance their strategic roles as employment and service centres (Policy S2). On the basis that the tilted balance in favour of the development can be

deemed to be engaged, it is necessary to weigh the benefits of the additional development against any adverse impacts.

7.9 In terms of contributing towards the achievement of sustainable development policy S1 of the Adopted Derbyshire Dales Local Plan (2017) advises that this will be achieved by making efficient and effective use of land, particularly land which has been previously developed.

7.10 Based on the location of the site and amount of housing development allocated in respect of strategic housing site allocation DS1 and the site area, compared with strategic housing allocation DS8, where a greater housing density is set, it is considered that the density of housing development on phase 1 land could be increased, subject to compliance with the relevant provisions of the Development Plan and national planning policy.

7.11 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:

- Whether the scheme prejudice the development potential of the adjacent site or larger area in a comprehensive manner
- Whether the development will create high quality, beautiful and sustainable buildings and place and the impact on the character of the area
- Highway safety and impact on the wider highway network
- Affordable housing, housing mix and developer contributions
- Impact on adjacent land uses and existing and future residents
- Open space and recreation provision
- Impact on wildlife and ecology
- Surface water drainage requirements
- Climate change
- Planning balance and conclusion

7.12 The location and nature of the development is not considered to harm the setting of Thatched Cottage (Listed Grade II), which is located to the south of site beyond the recently constructed attenuation basin, link road and new roundabout. Its setting has already been affected by this existing development and this has been weighed against the public benefits of the development, including the planned housing and employment to be delivered. The location, density and scale of the housing development is not considered to harm the significance of the heritage asset any further.

***Would the scheme prejudice the development potential of an adjacent site or larger area in a comprehensive manner?***

7.13 One of the criteria for achieving sustainable development set out in Policy S1 of the Adopted Derbyshire Dales Local Plan (2017) is ensuring that development proposals do not prejudice the development potential of an adjacent site or larger area in a comprehensive manner. Although the development is sited on phase 1 land, any additional development has the potential to prejudice this and the adjacent strategic land allocation.

7.14 The adjacent land owner has expressed these concerns and advise that policies DS1 and DS8 of the Local Plan in their current form do not envisage or consider additional development and, as such, it is not a matter that should be considered through an ad hoc piecemeal planning application. A comprehensive approach to the development of the site is required in order to achieve sustainable and successfully planned development.

7.15 Strategic housing land allocation Policy DS1, relates to 39.35ha of mixed use development (including the housing component the subject of this application) forming Ashbourne Airfield

(Phase 1) which this site forms part. The strategic policy advises that development will be subject to compliance with adopted Local Plan policies and:

- A comprehensive layout and site masterplan for the development incorporating community facilities proportionate to serve the needs of future residents of the site including a mixed use hub providing some or all of the following uses:
  - a) Use Class A1 Retail/A2 Financial and Professional (no single unit in excess of 300m<sup>2</sup> and not more than 500m<sup>2</sup> in total).
  - b) Use Class A3 restaurants/café(s)/A4 drinking establishments (not more than 500m<sup>2</sup> in total and no more than one drinking establishment).
  - c) Use class D1 non-residential institution/community facilities (up to 750m<sup>2</sup>), and an enterprise centre incorporating small start-up office units (not more than 500m<sup>2</sup> in total).
- Preparation of a detailed phasing programme covering the entire site, such a programme to ensure the provision of the employment development and residential development concurrently or as otherwise agreed with the District Council.
- The provision of a new access to serve the comprehensive development comprising a new junction from the A52; a new access road to serve the business park which shall link through to Blenheim Road; a new internal road layout to serve the development incorporating footpaths and cycle paths. No more than 75 dwellings to be erected and occupied before the link to Blenheim Road has been laid out and constructed.
- Preparation of a Transport Assessment and Travel Plan, including full highway design, specific consideration of public transport routes and subsidies, improvements to existing and development of new pedestrian/cycle routes. Provision for public transport, cycle and pedestrian routes to Ashbourne town centre.
- Provision of a comprehensive landscaping plan including the retention of landscape features to the northern and eastern site boundaries, the provision of a substantial landscape buffer between existing and new development; Bradley Wood and the surrounding countryside and the enhancement of Green Infrastructure linkages.
- The provision of a landscaped buffer to the rear of existing properties on Lady Hole Lane. No development shall take place on land south east of Lady Hole Lane.
- The provision of an area reserved for wildlife along the north eastern boundary.
- Provision of public open space and green infrastructure on site with links established to the wider countryside.
- A site specific Flood Risk Assessment in accordance with the findings of the Derbyshire Dales Strategic Flood Risk Assessment, incorporating surface water control measures (SUDS) throughout the development.
- An Ecological Assessment (i.e. desk and field based assessments, habitats/species assessments/mitigation proposals)

7.16 The development must be considered in parallel with the associated approval of reserved matters application 22/00641/REM and the area of land set aside for housing development as identified on the indicative masterplan submitted pursuant to condition 3 of planning permission 19/01274/FUL. Approval of reserved matters application 22/00641/REM does not make provision for substantial landscape buffers between existing and new development and surrounding countryside to deliver green infrastructure and wildlife corridors. Development on this site prejudices the delivery of these important objectives and the coherent network of habitat to maintain the biodiversity value of the site.

7.17 Considered on its merits and in isolation, the proposed development does not assist in the delivery of the objectives of Policy DS1 and introduces additional infrastructure and open space requirements that cannot be provided on the development site. For reasons set out above, the development would not contribute towards achieving sustainable development

in that it prejudices the development of the adjacent site and the larger area allocated for housing and employment development in a planned and comprehensive manner, contrary to the aims of Policies S1, DS1 and DS8 of the Adopted Derbyshire Dales Local Plan (2017).

***Whether the development will create high quality, beautiful and sustainable buildings and place and the impact on the character of the area***

- 7.18 Paragraph 126 of Chapter 12 of the National Planning Policy Framework states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. It goes on to state that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this.
- 7.19 Paragraph 134 of the National Planning Policy Framework advises that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design <sup>52</sup>, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes. Footnote 52 refers to guidance contained in the National Design Guide (NDG) and National Model Design Code. As the District Council has not yet adopted any Design Codes the NDG and Model Design Code are of relevance.
- 7.20 Having regard to the requirements of strategic site allocation policy DS1 and in recognition that the development has been planned in detail by the applicant and will influence further significant development on the edge of the town, the Local Planning Authority has appointed a firm of urban designers (Lathams Architecture and Urbanism) to assess the scheme against National Design Guide criteria and to consider the relationship of the development with phase 2 which will be critical to the overall success of the scheme (whilst recognising that the applicant does not currently have any interest in or control over phase 2 land) having regard to the obvious connections between the 2 allocations in terms of infrastructure requirements
- 7.21 In terms of local design policies, Policy PD1 of the Adopted Derbyshire Local Plan 2017 deals with design and place making and requires:
- development to be high quality design that respects the character, identity and context of the Derbyshire Dales townscapes,
  - all new development is based on a thorough site appraisal and that 'design quality' is reflected in the development through a clear understanding of site context including reference to any Design Statements, Neighbourhood Plans, and is sensitive to its context as well as contributing to sustainable living and contribute positively to an areas layout and relationship to adjacent buildings and landscape features.
  - development on the edge of settlements enhances and/or restores landscape character, particularly in relation to the setting and character of the Peak District National Park development contributes positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials, and the relationship to adjacent buildings and landscape features
  - public and private spaces are well-designed, safe, attractive, complement the built form and provide for the retention of significant landscape features such as mature trees.
  - developments are easy to move through and around, incorporating well integrated car parking, pedestrian routes and, where appropriate, cycle routes and facilities.
  - developments are designed to minimise opportunities for anti-social or criminal behaviour and promote safe living environments.
  - the inclusive design of development, including buildings and the surrounding spaces, to ensure development can be accessed and used by everyone, including disabled

people development takes account of national design guidance and Supplementary Planning Documents.

- 7.22 The NDG sets out the characteristics of well-designed places and demonstrates what good design means in practice. It includes 10 characteristics that are key to good design. Its use helps to assess the quality of planning applications.
- 7.23 The assessment undertaken by Lathams of the original scheme was assessed against National Design Guide criteria and scored poor or very poor against most criteria. As part of the review it was, however, accepted that the additional development could be achieved, in addition to the amount of development approved under application 19/01274/FUL, based on overall dwellings per hectare, whilst successfully contributing to a well-designed place.
- 7.24 The DAS provided a limited assessment of the character of the site and there was no evidence of how this had been used to inform the scheme.
- 7.25 The application site forms part of a larger housing scheme, which includes associated open space. In isolation the development is a dense and compact housing scheme with no greenspace. The development forms part of a wider scheme of housing that adopts a confused illegible insular layout with no obvious route hierarchy. No evidence of cycle provision is shown and no footpath links are identified to areas beyond the site boundary. The development also proposes car dominated streets.
- 7.26 The development proposes an even distribution of houses across the majority of the site. There is a wide variety of house types and sporadic distribution of materials creating, varied and discordance streetscenes that do not successfully create place.
- 7.27 The three storey apartment block and maisonette dwellings, and associated parking courtyard accessed off the link road present imposing and poor focal buildings.
- 7.28 Following the assessment of the original scheme and a meeting to discuss the above, the applicant submitted a marked/annotated layout for consideration. Whilst recognising that some improvements had been made to the site layout had been made, the Local Planning Authority made it clear that in developing the site layout, consideration will need to be given to the density, character, scale and massing of development. Specific guidance was given to the applicant in relation to house designs and creating cohesive streetscenes, and an invitation was given to submit a revised layout and streetscene samples for review / further discussion. Following receipt of an amended site layout, the applicant was advised to provide commentary on how the assessment of the original scheme against NDG criteria. This information was not provided until the scheme was formally submitted for re-consultation.
- 7.29 Following receipt of the amended plans, the independent urban designer was asked to re-assess the scheme. It was acknowledged that the road layout had changed, but this was not considered to be a significant improvement when assessed against NDG criteria. It remained that the development scored poorly (poor and very poor in numerous areas) against NDG criteria.
- 7.30 With regard to character and layout, it remains that the development has a confused and insular layout. The road layout has been altered but the confused maze-like layout remains. Navigating the scheme from one part of the scheme to another is unnecessarily confused. The layout remains car dominated with modest tree planting on limited routes failing to challenge the dominance of frontage parking across the scheme.
- 7.31 With regard to social inclusivity, the mix and distribution of tenure and house types is unchanged, with affordable dwellings concentrated in a small geographical area / pockets

within the centre of the site. The approach to density is also largely unchanged. No explanation of any strategic approach to density has been provided. No additional information has been provided which might help to justify the building types or forms. It is acknowledged that some elevational treatments have changed but the rationale to support these changes is missing.

- 7.32 Despite the applicants contention that the street typologies are designed into the scheme with a clear hierarchy the development remains a discordant and mix of house types and designs that are evenly distributed across the site, with little consideration given to the site constraints or place making.
- 7.33 In summary, the development by reason of its layout and density and the discordant variety, scale and appearance of the different dwellings and associated landscaping scores poorly against National Design Guide criteria and would not deliver a high quality and well-designed place that would respond positively to and respect the character and context of this significant edge of settlement site. The development would therefore conflict with Policies S1, PD1 and DS1 of the Adopted Derbyshire Dales Local Plan (2017) and should be refused in accordance with paragraph 134 of the National Planning Policy Framework (2021).

### ***Highway safety and the impact on the wider highway network***

- 7.34 Policies S1, S4 r) and HC19 of the Adopted Derbyshire Dales Local Plan (2017) 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.
- 7.35 The Local Highway Authority has questioned the overall quantum of development and need to demonstrate the satisfactory operation of the site access and the wider highway network. This concern has also been expressed by the adjoining land owner. Having assessed the submitted Technical Note together with the various other information submitted with previous application and given that the traffic forecast is based upon a number of parameters, assumptions, extrapolations, and other variables, the Highway Authority is reasonably comfortable with the incremental effects of the 100 dwellings being within the margin of error.
- 7.36 Concerns have been, however, expressed with regard to the distance of the site from the centre of Ashbourne and the need for onsite amenities to reduce the need to off-site travel. There are concerns that more intensive residential development would reduce such provision.
- 7.37 No sensitivity testing has been undertaken by the author of the Technical Note with regard to the road junction capacity (north arm of the A52). Instead that this has been taken by others. The assessment does, however, conclude that on 2033 future year flows and an unlikely single lane operation at all arms throughout the peak hour and that the junction should operate satisfactorily.
- 7.38 The Local Highway Authority have made recommendations and requirements in relation of the Travel Plan, which could be secured through condition and legal agreement (in terms of any additional future monitoring requirements).
- 7.39 The Local Highway Authority has advised that should adoption of the road layout be sought, there are a number of issues to resolve. The Local Highway Authority has not advised, however, that the development would be unacceptable from a highway safety perspective if the estate roads were not adopted and the new roundabout and link road access would be capable of accommodating the loading from the development, without resulting in severe impacts on the local road network.



7.40 Having regard to the above, the development is considered to be capable of satisfying the requirements of policies S1, S4 r) and HC19 of the Adopted Derbyshire Dales Local Plan (2017) and national policy contained within the National Planning Policy Framework with conditions.

### ***Affordable housing, housing mix and developer contributions***

7.41 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. Therefore, all units of affordable housing (up to 30) would be delivered on site. In terms of the dwellings to be delivered, the following mix is proposed:

- 8 x 1-bedroom units
- 10 x 2-bedroom units
- 12 x 3 bedroom units

Reflecting on the comments received from Director of Housing in respect of application 22/00641/REM this is considered to constitute acceptable provision, subject to appropriate / agreement of the type and tenure.

7.42 Policy HC11 prescribes a housing mix to meet the Council's housing needs and to create a sustainable, balanced and inclusive communities. The amended scheme proposes the following mix of 2, 2.5 and 3 storey open market housing on the part of the site, the subject of this approval of reserved matters application:

- 8 x 1-bedroom dwellings
- 12 x 2-bedroom dwellings
- 45 x 3-bedroom dwellings
- 6 x 4-bedroom dwellings

Again, this is considered to constitute appropriate provisions based on the policy requirement for open market housing and local housing needs.

7.43 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.

7.44 A health contribution has been sought by the CCG. A contribution of £91,800 is required to enhance capacity / infrastructure in specified local practices. The development will also result in the need for additional primary, secondary and Special Educational Needs and Disability (SEND) provision to be provided. The Education Authority has stated that this would amount to £326,979.90 towards expansion of Osmaston CE (Controlled) Primary School, 588,694.47 towards the expansion of Queen Elizabeth's Grammar School and £74,218.90 towards SEND places. Some concern has been expressed by Osmaston and Yeldersley Parish Council with regard to the proximity and access to this school by sustainable transport methods. Based on the amount of development that has come forward on phase 1, the County Council has advised that a new primary school cannot be justified at this time based on pupil projections and numbers on roll. The delivery of a further 1100 dwellings on adjacent land (phase 2) may, however, require the provision of a new primary school at that time and, as with the 77 contributions secured on the back of application

19/01274/FUL, the Education Authority has broadened the scope of the contributions required to allow the money to be spent on another primary school within a 3 mile radius of the site, the identity of the school to be agreed between the owner and the County Council.

7.45 The County Council have also requested a library services stock contribution of £7,160. If permission is granted it will be necessary to secure all of the above contributions through prior entry into a planning obligation to meet the demands deriving from the development.

***Impact on adjacent land uses and existing and future residents***

7.46 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) requires that development achieves a satisfactory relationship to adjacent development and does not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.

7.47 Policy PD9 of the Adopted Derbyshire Dales Local Plan (2017) states that the District Council will protect people and the environment from polluted environments by only permitting development if the potential adverse effects (cumulatively or individually) are mitigated to an acceptable level by other environmental controls or by measures included in the proposals. This includes noise or vibration and other nuisance or harm to amenity health or safety.

7.48 The application site does not affect the access road serving HGV testing facility on adjacent land and the proposed dwellings are sited far enough away so as to not prejudice such use or cause unacceptable noise or amenity impacts on future residents.

7.49 The apartment building and maisonette dwellings serviced directly off the link road, are positioned in close proximity to this route which will be used by HGVs serving the business park and industrial estate without restriction. No objections have, however, been received from the Council's Environmental Health section with regard to the proximity of the proposed dwellings to the business park and existing and approved industrial uses in terms of noise disturbance and other impacts on human health and amenity.

7.50 Representations have been received from local residents along Lady Hole Lane raising concerns with regard to the impact of the development on their residential amenity. These comments, however, appear to relate to the development on adjacent land, the subject of application 22/00641/REM. The layout of the dwellings, the subject of this application and their relationship to neighbouring land uses and the nearest residential properties is such that there would not be any unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effects.

***Open space and recreation provision***

7.51 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.

7.52 The SPD sets out the provision per dwelling that is required to meet the identified deficiencies. This is set out in the table below:

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

- 7.53 The application on its merits does not deliver any open space, instead relying on the open space to be delivered on the adjacent land, the subject of application code ref. 22/00642/REM. No mechanism is presented as to how that open space would be delivered in conjunction with the delivery of development on the application site.
- 7.54 Sport England have been consulted on the application, however, no comments have been received at the time of writing this report. In the consideration of application 19/01274/FUL a need to provide playing fields was identified and it was agreed that provision would be made on phase 2 land, however, no mechanism is in place to deliver this. Based on the overall amount of development originally proposed (469), the Council's Community Development Manager has advised that there is a requirements to provide 1.5 playing fields, having regard to the requirements of the Developer Contributions SPD. Various sport organisations have objected to the development on the basis that it does not deliver much needed space for sports and there is a chronic undersupply of facilities in the area.
- 7.55 In respect of meeting the needs derived from the development the applicant has advised that the planning Policy for Phase 1 makes no reference to the requirement for Playing Pitches and that it was accepted by Sports England and the Community Development Manager within the Committee Report for the outline planning permission that sports pitches would not be provided on Phase 1 due to them being "more logically located within Phase 2" which is a much larger development area.
- 7.56 The applicant acknowledges that the full 101 dwelling planning application does generate a requirement for sports pitches. They have requested that a revised consultation response is provided, demonstrating the requirement generated by only the full application for 101 dwellings. They suspect this will not form a whole pitch requirement, and therefore to avoid sports pitches being delivered in an un-cohesive, ad-hoc manner across the development, a financial contribution for the 101 requirement is proposed.
- 7.57 The application when assessed on its merits does not deliver and prejudices the requisite open space or playing field provision necessary to deliver a healthy and inclusive place which promotes social interaction contrary to the requirements of Policy HC14 of the Adopted Derbyshire Dales Local Plan (2017), the Developer Contributions SPD (2020) and guidance contained within the National Planning Policy Framework (2021).

### ***Impact on wildlife and ecology***

- 7.58 With regard to protected species and biodiversity impacts Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017) seeks to protect, manage, and where possible enhance the biodiversity and resources of the plan area and its surroundings by ensuring that development proposals will not result in harm to biodiversity. The policy advises that this will be achieved by encouraging development to include measures to contribute positively to the overall biodiversity of the plan area to ensure there is a net overall gain to biodiversity. These provisions are supported by the NPPF, paragraph 174 of which advises that planning decisions should provide net gains for biodiversity.
- 7.59 Hybrid planning application 19/01274/FUL considered the impact of the development on protected species and biodiversity. Condition 15 requires the submission of a landscape and biodiversity enhancement and management plan (LBEMP) prior to the commencement of the development. The LBEMP should combine both the ecology and landscape disciplines and include description and location of features to be created, planted, enhanced and managed including a network of grassland habitats suitable for Dingy Skipper and Small Heath Butterfly amongst other requirements.

7.60 This application proposes no / very little habitat creation within the site itself and it has not been demonstrated that the development of the site does not prejudice for the loss open mosaic habitat or set out the extent of proposed habitat for dingy skipper and small heath butterfly to preserve the biodiversity value of the wider site, and mitigate for the 2ha loss of this habitat across phase 1 or the following requirements of Policy DS1:

- The provision of a comprehensive landscaping plan including the retention of landscape features to the northern and eastern site boundaries, the provision of a substantial landscape buffer between existing and new development; Bradley Wood and the surrounding countryside and the enhancement of Green Infrastructure linkages.
- The provision of an area reserved for wildlife along the north eastern boundary.
- Provision of public open space and green infrastructure on site with links established to the wider countryside.

7.61 As a standalone application, the development could be implemented independently of other applications. An understanding of the biodiversity value of the site and any necessary compensation for habitat loss is therefore important and should be presented so that this can be appropriately mitigated. This is supported by Derbyshire Wildlife Trust in their consultation comments. The applicant has advised that they are preparing an assessment, however, it is unclear as to how any biodiversity loss can be appropriately mitigated on site based on the application site area and amount of additional development.

7.62 In summary, the development does not demonstrate how the development would preserve biodiversity and would not prejudice the loss open mosaic habitat or habitat for dingy skipper and small heath butterfly to preserve the biodiversity value of the wider site (phase 1) and the provision of green infrastructure to support wildlife contrary to the requirements of Policies PD3 and DS1 of the Adopted Derbyshire Dales Local Plan (2017) and the National Planning Policy Framework (2021).

### ***Surface water drainage requirements***

7.63 Policies S1 and PD8 of the Adopted Derbyshire Dales Local Plan (2017) 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.

7.64 The application is accompanied by a drainage strategy by DDS. The development is proposed to be drained using two separate surface water networks. Both networks have been designed to accommodate up to the 100 year return period plus 40% climate change. A 10% increase in private impermeable areas has also been accommodated to allow for the effects of urban creep.

7.65 One of the networks (network 1) conveys flows to the existing attenuation basin and surface water system that was designed to accommodate the employment land and link road.

7.66 As can be seen in the consultation response from the Lead Local Flood Authority in respect of application 22/00641/REM there are a number of concerns with the proposed system, including lack of information to demonstrate that the flows from network 1 does not impact the capacity required in the attenuation basin.

7.67 At the time of writing this report, insufficient information has been submitted to demonstrate that the surface water drainage system will be capable of serving the development and will

not result in flooding on the site and elsewhere contrary to the requirements of Policies S1 and S8 of the Adopted Derbyshire Dales Local Plan (2017).

### **Climate change**

7.68 Policies S1 and PD7 of the Adopted Derbyshire Dales Local Plan (2017) 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. Paragraph 126 of Chapter 12 of the National Planning Policy Framework also states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

7.69 The application is accompanied by an Energy Strategy Statement, which makes reference to the need to comply with Part L 2021 building regulations, which will secure savings in excess of 160,386 kgCO<sub>2</sub> annual. The development will look to incorporate a range of low and zero carbon/renewable technologies in order to meet proposed upcoming changes to the Part L Building regulations, which will require development to achieve carbon reductions of 31 % lower than current part L targets.

7.70 In order to achieve the above, the following proposed low/zero carbon technologies will be applied across the wider site:

Potentially viable energy strategies considered	Number of Dwellings Applied to	Energy Saved %	Carbon Saved %	Proposed?1
Solar hot water	0	0	0	No
Solar Photovoltaic (Approx.)	160	6.3	11.4	Yes
Wind Turbines	0	0	0	No
ASHP	0	0	0	No
GSHP	0	0	0	No
Flue Gas Heat Recovery <sup>2</sup>	305	1	0.9	Yes
Waste Water Heat Recovery	305	8	7.1	Yes
Fabric Approach	469	5.5	5.2	Yes

7.71 Although it is not clear how many of the measures will apply to the dwellings, the subject of this application, they would make a contribution towards mitigating the effects of and adapting to climate change and a condition could be imposed to agree a package of measures to deliver as much as possible to help mitigate the effects of and adapt to climate change. A sustainable urban drainage (SUDs) system is also proposed which will help attenuate surface water during extreme rainfall events.

### **Planning balance and conclusion**

7.72 The Council is unable at this time to demonstrate a 5 year housing land supply. Paragraph 11 d) of the National Planning Policy Framework and the tilted balance in favour of the development is therefore engaged.

- 7.73 The site is sustainably located and already allocated for housing development in the Adopted Derbyshire Dales Local Plan (2017).
- 7.74 The development would make a positive contribution towards housing delivery. Furthermore, the development would deliver up to 30 affordable homes. The development would provide additional economic and social benefits during construction and occupation, however these benefits are not exceptional and to a large degree would be commensurate with any residential development.
- 7.75 The development when considered in conjunction with application 22/00641/REM would prejudice the strategic objectives of Policy DS1 and would not deliver and prejudice the requisite open space and playing field provision necessary to provide a healthy and inclusive place which promotes social interaction. In this respect, the development would not contribute towards achieving sustainable development.
- 7.76 Furthermore, development by reason of its layout and density and the discordant variety, scale and appearance of the dwellings and associated landscaping scores poorly against National Design Guide criteria and would not deliver a high quality and well-designed place that would respond positively to and respect the character and context of this significant edge of settlement site and would be in direct conflict with local design policies and paragraph 134 of the National Planning Policy Framework (2021).
- 7.77 The development does not demonstrate how the development would preserve biodiversity and would not prejudice the loss open mosaic habitat or habitat for dingy skipper and small heath butterfly to preserve the biodiversity value of the wider site (phase 1) and the provision of green infrastructure to support wildlife and insufficient information has been submitted to demonstrate that the surface water drainage system will be capable of serving the development and will not result in flooding on the site and elsewhere.
- 7.78 When all of the above adverse impacts are weighted they significantly and demonstrably outweigh the benefits of the development and a recommendation of refusal is put forward on this basis.

## **8. RECOMMENDATION:**

The application be Refused for the following reasons:

1. The proposed development when considered in isolation and in conjunction with the associated approval of reserved matters application 22/00641/REM would not contribute towards achieving sustainable development in that it prejudices the development of the adjacent site and the larger area allocated for housing and employment development in a planned and comprehensive manner, contrary to the aims of Policies S1, DS1 and DS8 of the Adopted Derbyshire Dales Local Plan (2017).
2. The development by reason of its layout and density and the discordant variety, scale and appearance of the dwellings and associated landscaping scores poorly against National Design Guide criteria and would not deliver a high quality and well-designed place that would respond positively to and respect the character and context of this significant edge of settlement site. The development would therefore conflict with Policies S1, PD1 and DS1 of the Adopted Derbyshire Dales Local Plan (2017) and should be refused in accordance with paragraph 134 of the National Planning Policy Framework (2021).

3. The application when assessed on its merits does not deliver and prejudices the requisite open space and playing field provision necessary to deliver a healthy and inclusive place which promotes social interaction contrary to the requirements of Policy HC14 of the Adopted Derbyshire Dales Local Plan (2017), the Developer Contributions SPD (2020) and the National Planning Policy Framework (2021).
4. The development does not demonstrate how the development would conserve or enhance biodiversity and would not prejudice the loss open mosaic habitat or habitat for dingy skipper and small heath butterfly to conserve the biodiversity value of the wider site (phase 1) and the provision of green infrastructure to support wildlife contrary to the requirements of Policies PD3 and DS1 of the Adopted Derbyshire Dales Local Plan (2017) and the National Planning Policy Framework (2021).
5. Insufficient information has been submitted to demonstrate that the surface water drainage system will be capable of serving the development and will not result in flooding on the site and elsewhere contrary to the requirements of Policies S1 and S8 of the Adopted Derbyshire Dales Local Plan (2017) and the National Planning Policy Framework (2021).

### **INFORMATIVES:**

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

This Decision Notice relates to the following plans and documents, insofar as they are relevant to this application for 101 dwellings:

#### Site Drawings

- H8537-001-07 Planning Layout Sheet 1 Revision B
- H8537-001-08 Planning Layout Sheet 2 Revision B
- H8537-001-09 Composite Planning Layout Revision B
- H8537-002-02 Materials & Surfaces Layout Sheet 2 Revision F
- H8537-003-02 Boundary, Eaves & Chimney Layout Sheet 2 Revision G
- H8537-013-03 102 Plot Site Location Plan Revision A
- AA/06-2 Materials Layout – Sheet 2 Revision C (Barratt Plots)

#### Engineering Drawings

- 0213-17 Engineering Layout Sheet 1 Revision I
- 0213-18 Engineering Layout Sheet 2 Revision G
- Micro Drainage Calculations - Storm Network 1 1 in 30 year & 1 in 100 year, & Storm Network 2 1 in 30 year & 1 in 100 year

#### Landscaping Information

- GL1639-01 Soft Landscape Proposals Sheet 1 Revision H
- GL1639-02 Soft Landscape Proposals Sheet 2 Revision H
- GL1639-05 Soft Landscape Proposals Sheet 5 Revision H
- GL1639-06 Soft Landscape Proposals Sheet 6 Revision H
- GL1639-07 Soft Landscape Proposals Sheet 7 Revision H
- GL1639-03-01 Landscape Management Plan (Issue 3)

- H8537/Mat/01 David Wilson Homes Materials Palette
- Ashbourne Airfield Materials Palette – Barratt Homes
- DB-SD13-014 External Personnel Gates Detail
- DB-SD13-006 Rev B Close Boarded Fence Detail
- H8537-100-09 Stone Entrance Wall Detail
- NM-SD13-013 Boundary Wall Detail Type 3
- RD/SD13/114 450mm Timber Post Detail

#### Garage Planning Drawings

- LSG1H8.01 Single Garage Planning Drawing Revision A

#### Affordable House Type Planning Drawings

- B50F 0TCI.01 Type 50 Planning Drawing Revision C
- B50F 0THE.01 Type 50 Planning Drawing Revision B
- B52A 0TCI.01 Type 52 Planning Drawing Revision D
- B52A 0THE.01 Type 52 Planning Drawing Revision B
- B78F 0TCI / B79F 0TCI.01 Type 78 & 79 - TF Planning Drawing
- B75F 0TCE.01 Type 75 Planning Drawing

#### Private House Type Planning Drawings

- Amb.01 / .02A Ambersham / Maldon Apartment Planning Drawing
- SF 58\_59.E.01 Type SF 58.59-E-7 Planning Drawing
- BLLE 0THE.01 Ellerton (End Hipped) Planning Drawing Revision B
- BHVR 0THE.01 Haversham (End – Hip) Planning Drawing
- BKNL 0THE.01 Kenley Classic (End Hipped) Planning Drawing Revision B
- BKNR 0THD.01 Kenford Classic (Det) Planning Drawing Revision B
- BKEY 0THD.01 Kingsley Classic (Det Hip) Planning Drawing Revision C
- BMAI 0THE.01 Maidstone Classic (End Hipped) Planning Drawing Revision B
- BRAD 0THD.01 Radleigh Classic (Det) Planning Drawing Revision B
- BBNF X0GE.01 Brentford (End) Planning Drawing
- BENN X0GD.01 Ennerdale (Det) Planning Drawing
- BKNL X0-I.01 Kenley (Mid) Planning Drawing
- BKIS X0GE.01 Kingsville (End) Planning Drawing
- BMMS X0GE.01 Moresby Planning Drawing
- Chud.01 Chudleigh & Dursley Planning Drawing
- Ennerdale Transitional Detached FF Render + Planning Drawing
- Kingsville Transitional (GF Render).01 Planning Drawing
- Maidstone Hipped End (FF Render).01 Planning Drawing
- Moresby Transitional (FF Render + Chimney).01 Planning Drawing

#### Supporting Statements

- Briary Energy – Energy Statement dated April 2022
- BWB - Detailed Travel Plan Dated April 2022 Ref: AAF-BWB-GEN-XX-RP-TR-0001-S2-P6 DTP
- BWB – Transport Technical Note Dated 22<sup>nd</sup> March 2022 Ref: AAF-BWB-GEN-XX-RP-TR-0002-TN\_S2-P6
- FPCR – Ecological Appraisal Dated April 2022
- nineteen47 – Design and Access Statement Dated March 2022
- nineteen47 – Planning Statement and Affordable Housing Statement Dated April 2022
- nineteen47 – 3D Visuals Pack Dated March 2022
- DDS – Drainage Statement dated 20<sup>th</sup> April 2022
- DDS – Flood Risk Assessment Rev C May 2022

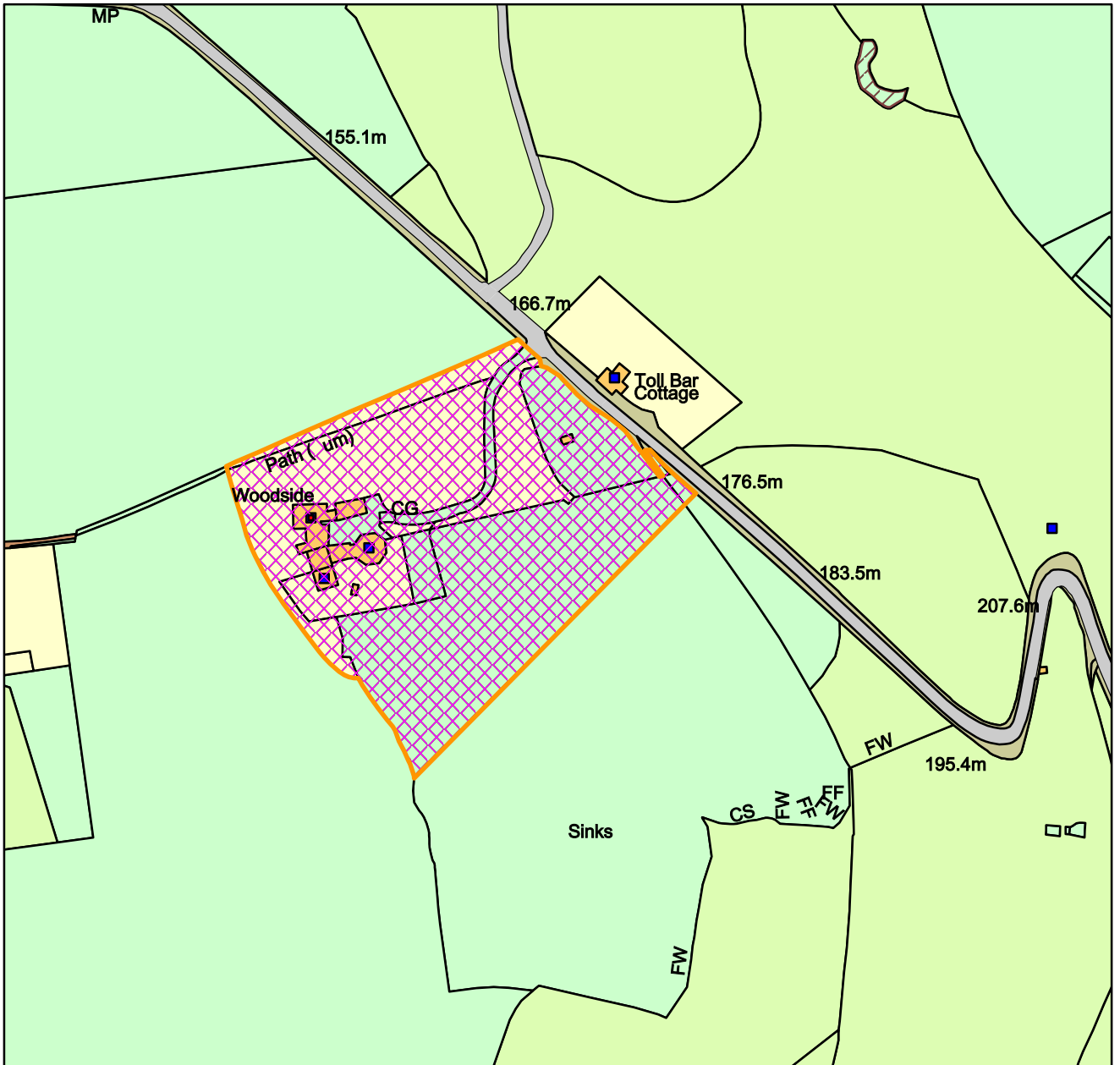


- GRM Phase 2 Site Appraisal Dated April 2020
- Ashbourne Airfield National Design Guide Review – DWH Response February 2023

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22/01010/FUL

Woodside Chesterfield Road Rowsley Matlock Derbyshire DE4 2NL



Derbyshire Dales DC

1:2,500

Date: 30/03/2023

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<b>APPLICATION NUMBER</b>		22/01010/FUL	
<b>SITE ADDRESS:</b>		Woodside, Chesterfield Road, Rowsley, Matlock, DE4 2NL	
<b>DESCRIPTION OF DEVELOPMENT</b>		Erection of 2no. holiday let accommodation units and erection 1no. holiday pod	
<b>CASE OFFICER</b>	Adam Maxwell	<b>APPLICANT</b>	Mr & Mrs James
<b>PARISH/TOWN</b>	Rowsley	<b>AGENT</b>	Simon Foote Architects
<b>WARD MEMBER(S)</b>	Cllr Mathew Buckler	<b>DETERMINATION TARGET</b>	14.04.2023
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	Major development	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	For Members to appreciate the site in context

## MATERIAL PLANNING ISSUES

- Whether the development is acceptable in principle
- Visual and landscape impact of the development
- Impact upon cultural heritage and archaeology
- Impact upon amenity
- Impact upon highway safety

## 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 Woodside comprises a group of existing dwellings occupied by the applicant / let as holiday accommodation located in open countryside off Chesterfield Road east of Rowsley. The property is accessed by a winding drive through large grounds with open fields to the south bounded by mature trees and hedgerows and low drystone walls.
- 1.2 Public footpath 12 crosses the access to the property before heading west towards Rowsley. Public footpath 11 crosses the western corner of the site before heading south through the fields. The nearest neighbouring property is Toll Bar Cottage located on the opposite side of Chesterfield Road to the north east of the site. East Lodge Country House Hotel is located approximately 150m to the west.



## 2.0 DETAILS OF THE APPLICATION

- 2.1 The application proposes the erection of two units of holiday let accommodation units and one holiday pod at the site.
- 2.2 The amended plans show that the proposed holiday let accommodation units would be sited east of the property adjacent to the existing drive and parking spaces. These units would be two bedroom timber chalets providing 63m<sup>2</sup> and 55m<sup>2</sup> of floor space respectively. The proposed holiday pod would be sited further to the east adjacent to an existing stone outbuilding. The pod would also be clad in timber with a single bedroom / living area providing 15m<sup>2</sup> of floor space.

2.3 The submitted plans show that new pedestrian pathways would be created to link the accommodation units to the existing driveway and that planting would be carried out to the south and east of the proposed units.

### **3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK**

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

S1 Sustainable Development Principles  
S4 Development in 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  
PD9 Pollution Control and Unstable Land  
HC19 Accessibility and Transport  
HC20 Managing Travel Demand  
HC21 Car Parking Standards  
EC1 New and Existing Employment Development  
EC8 Promoting Peak District Tourism and Culture  
EC9 Holiday Chalets, Caravan and Campsite Developments

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

### **4.0 RELEVANT PLANNING HISTORY:**

None relevant

### **5.0 CONSULTATION RESPONSES**

#### **5.1 Rowsley Parish Council**

No response to date.

#### **5.2 Peak District National Park Authority**

“Thank you for the opportunity to comment on the above application.

The PDNPA OBJECTS to the application on the basis that the submitted LVA does not adequately consider potential effects on the setting and visual amenity of users in the National Park. The findings of the effects on the visual amenity of receptors within the National Park are poorly evidenced and lack robustness.

The LVA defines visual receptors within the National Park as having a high sensitivity, with which we agree. However, in terms of the assessment of potential affects (below) we disagree with the LVA findings.

Para 6.51 (VPs 10 -12) ‘The distance to the site, extent of the views and comparative size of the site in relation to the overall visible landscape would mean that if any of the new lodges were to be visible from these locations, they would have little or no impact on the overall experience of these receptors’.

Para 6.58 (VPs 13 -14) ‘These views are naturally panoramic and encompass a large extent of distant landscape along the valleys. Whilst the setting of the site and susceptibility of the

receptors is undoubtedly highly sensitive the extent of the development in relation to the overall panorama available, combined with the sensitivity of a design proposal that incorporates small built forms of natural materials means development would have minimal impact only on receptors at this distance during construction and completion, dropping to negligible impact as associated vegetation further assimilates it into the surrounding landscape’.

Whilst we agree that views for VPs 10 -12 are distant, we disagree with the finding of the LVA (that there would be little or no impact) – a high sensitivity combined with a low adverse impact potentially results in a moderate level of effect. Similarly, for VPs 13 – 14 we find that the assessment again under-assesses potential effects given the high sensitivity of receptors.

As defined in the NPPF para. 176, ‘Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks.....while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas’ and we do not believe that the submitted LVA considers potential effects or demonstrates sensitive design.”

The following comments have been received on the revised scheme:

“The amended plans are a significant improvement on the original application, reducing the impact of the development on the setting of the National Park, however it is unfortunate that the applicant has not produced images showing the worst case situation. Namely some of the images should have been taken and assessed when there are no leaves on the trees. I would have liked to have seen an attempt to show the buildings in their proposed location, as such I am unable to fully assess the impact of the development upon the setting of the National Park.

A landscaping plan will be required to help assimilate the proposed buildings within the landscape. Consideration is also needed for the type and size of external lighting and internal lighting especially during the winter months. External lighting should also meet the requirements of dark skies.”

### 5.3 Environment Agency

No comment

### 5.4 Derbyshire Wildlife Trust

“We have reviewed the Preliminary Ecological Appraisal (PEA) (Baker Consultants, July 2022), along with the proposed plans and Arboricultural Method Statement (AWA, June 2022). We advise the LPA that a suitable level of survey effort has been undertaken and that sufficient information has been provided to enable the application to be determined. We do recommend that the metric spreadsheet should also be submitted with the application, rather than just the summary in the PEA.

Protected species constraints are limited at the site and habitat loss is relatively minor, except for the removal of part of the woodland block (TN11 in PEA report). The Arboricultural Method Statement shows that this will comprise a sycamore and a number of silver birch trees, along with associated ground flora. One of these trees has ‘low’ bat roost potential and therefore will require a soft fell approach to safeguard roosting bats, in accordance with best practice guidelines (Collins, 2016).

A net loss of -0.59 habitat units (-5.67%) is predicted from current proposals. Baker Consultants have proposed a strategy to address this and achieve a gain of +0.08 habitat



units (+0.79 %). This is outlined in the PEA report and would be achieved through enhancement of retained woodland and grassland habitats and new woodland planting. This would be considered acceptable and would comply with local and national net gain policies. The applicant should confirm that these proposals are acceptable to them and achievable. Details should then be secured via a suitable Landscape Plan and a Landscape and Ecological Management Plan (LEMP) condition.”

Planning conditions are recommended to be attached to any consent including submission and approval of a Construction Environmental Management Plan (CEMP: Biodiversity), Landscape and Ecological Management Plan (LEMP) and lighting scheme.

#### 5.5 Local Highway Authority

“The application details do not appear to show detailed drawings of the access points, showing what visibility sightlines can be achieved, also although speed readings have been submitted it is not clear at which location these have been taken from. The field access which is proposed to be used for the new dwelling is unacceptable in terms of its geometry and will need to be altered along with being provided with suitable visibility sightlines.

All parking spaces need to measure 5.5m x 2.5m with 6m manoeuvring space for vehicles to manoeuvre into and out of the spaces. Space will also be required within both sites for the manoeuvring of service and delivery vehicles.

Please hold the application in abeyance until full details of both access point have been submitted.”

Officer Note: These comments are on the basis of the application as originally submitted. The Highway Authority has been re-consulted on the basis of the revised scheme, however no further comments have been received to date. Any further comments will be updated at the meeting as a late representation.

#### 5.6 Lead Local Flood Authority

“Due to the nature and scale of the proposed development the LLFA has no formal comment to make.”

#### 5.7 Trees and Landscape Officer

“I have no reason to disagree with the submitted Landscape and Visual Appraisal

The sensitive design should consider the existing trees on the site. As many as possible of these should be retained and successfully incorporated into the scheme for the long term. Because of the site’s size, there is scope to potentially add to the tree stock of the site. This should aim to replace any trees removed and further diversify, increase the resilience of the existing stock and provide screening of the proposed buildings. I recommend that a planting specification and plan be submitted for approval.

The submitted arboricultural survey report and impact assessment identified 111 arboricultural features of a range of species, dominated by Scots pine and birch. The stock comprised of 107 individual trees and 4 groups of trees.

Of the surveyed on-site trees, 2 trees were considered to be of sufficiently high quality to be classed as retention category ‘A’, 19 trees or tree groups were retention category ‘B’ and the remaining 86 trees or tree groups were low quality retention category ‘C’.

Only 6 trees would require removal to facilitate the development. These are all of low value (retention category 'C'). Accordingly, the required tree removals would have only a negligible negative arboricultural impact.

Should planning consent be granted, then I recommend that a condition require that the contents of the submitted Arboricultural Method Statement must be adhered to, before, during, and after the construction phase. This would allow the proposed development operations can be undertaken with minimal risk of adverse impact on the trees to be retained.

No trees at the site are protected by DDDC Tree Preservation Order or are within a Conservation Area.”

## 5.8 DCC Archaeology

“The proposed development area encompasses the upstanding remains of a mostly preserved 19th century farm which is recorded as a non-designated heritage asset in the Derbyshire HER (MDR22263). A rapid glance at publicly available historic mapping would seem to suggest that it encompasses a drovers road (now a footpath) to the northwest, a pinfold to the northeast which questionably (from the 1835 Sanderson map) appears to have had one or two buildings adjacent to it with a holloway (or drovers road) opposite, leading up onto the moorland.

Rapid scanning of Bing Satellite also seems to suggest that the fields adjacent to the west retain some evidence (as soil marks) of medieval ridge and furrow. My cursory glance over these sources would seem to suggest that there might be an impact of development on heritage assets and this aspect is not explored within the application itself.

I would therefore advise that a desk based archaeological assessment/heritage Impact assessment is required, as per Para 194 of NPPF, pre-determination to establish what, if any, impacts development may have on below ground archaeology. This assessment should include amongst other things:

- Historic map regression using publicly held maps in the HER and the County Record Office.
- A study of the situation of the site within the context of the aforesaid drovers road from Rowsley, up through little Rowsley, toward Fallinge Edge and Beeley moor.

The HIA/DBA should be prepared by an experienced Heritage/Archaeological professional with demonstrable landscape analysis experience preferably with accreditation to the Chartered Institute for Archaeologists. Said heritage professional should pass a draft of the report to me for consideration prior to submission to establish its fitness for purpose and to avoid delays.”

## 5.9 DCC Footpaths

“Thank you for the opportunity to comment on the amended plans. Both Rowsley Public Footpaths No. 11 and No. 12 still run through the application site, but footpath 11 is no longer adversely affected by the proposed development.

The Definitive line of footpath 12 is shown as a purple line on the attached plan. The plan shows the line in relation to the line of an unmade path that has been marked on the amended plan as a broken pink line. The Definitive line of the path crosses the driveway close to the road. Please advise the applicant that this path must be open, unobstructed and on its legal alignment. Consideration should be given to the erection of such warning signs or other features as may be necessary to help protect path users from vehicles on the

driveway. If the applicant wishes to legally divert the path, information and guidance can be found at Public Path Orders - Derbyshire County Council.”

#### 5.10 Derbyshire Dales Ramblers

“Ramblers Derbyshire Dales Group objects to this application:

- i) Rowsley FP 11 starts from the secondary entrance off Chesterfield Road. This is an already busy and dangerous for walkers to use and access. The increase of vehicular traffic would increase the danger both on the highway and on the FP
- ii) The proposed dwelling is very near to the existing DM FP line. This may discourage walkers use of the FP
- iii) The proposed parking space is inappropriate. It is adjacent to the FP and puts walkers' safety at risk
- iv) Rowsley FP 12 should remain unaffected at all times, including the path surface, both during and after any development
- v) Any encroachment of the RoW FPs would need consultation with the DCC Rights of Way Team.

Re-consultation on revised scheme: Ramblers Derbyshire Dales Group continues to object:

- i) Previous comments from 14-10-22 submission still hold
- ii) Further note and support PRow's comments on 14-10-22 on:
  - a) FP 12 previous unofficial diversion
  - b) FP 11 - three points on enjoying open countryside, FP running close to the dwelling and safety implications for walkers

These comments add to the concern for the RoWs from this application

- iii) In the amended D&AS, RoWs are referred to in 2.2.2 only in description. No other detail is given to any impact on the two FPs”

#### 5.11 Peak and Northern Footpaths Society

“I have concerns about this application. These are mainly in relation to the use of Rowsley Footpath 11, which passes close to the proposed new dwelling and along the new access road to the dwelling, and shares a common entrance/exit from and on to Chesterfield Road with the new access drive. How will walkers using the footpath be protected from conflict with vehicles? Will there be a pedestrian gate installed at the junction with the road so that walkers have a segregated access from and on to the road? Will walkers be deterred from using the path because of the proximity to the new dwelling? Is the applicant aware that any changes to any part of the surface of the path must be authorised by the county council? The full width of both this path and Rowsley Footpath 12 must be unobstructed at all times. Much more detail is needed.

See comments from the county council's rights of way officer.”

### **6.0 REPRESENTATIONS RECEIVED**

6.1 No representations have been received to date.

### **7.0 OFFICER APPRAISAL**

#### Principle

7.1 The site is located within the open countryside, therefore Local Plan Policy S4 is relevant. This states that planning permission will be granted for development where it represents

sustainable growth of tourism or other rural based enterprises in sustainable locations where identified needs are not met by existing facilities. Policy EC1 provides support for proposals for new business development in sustainable locations that contribute toward the creation and retention of jobs and employment opportunities.

- 7.2 Policy EC8 deals specifically with promoting Peak District tourism and culture and supports new tourist provision and initiatives in towns and villages, and in the countryside through the reuse of existing buildings or as part of farm diversification, particularly where these would also benefit local communities and support the local economy.
- 7.3 Policy EC9 relates specifically to proposals for holiday chalets and caravan and campsite developments. Development will be permitted provided that:
- a) the development would not have a prominent and adverse impact on the character and appearance of the immediate and wider landscape;
  - b) any visual impact would be well screened by existing landscape features from areas outside the site to which the public has access for the whole of its proposed operating season;
  - c) any on-site facilities are of a scale appropriate to the location and to the site itself;
  - d) the site is in a sustainable location within, or in close proximity to an existing settlement with good connections to the main highway network, and the public rights of way network and/or cycleways, and is either served by public transport or within a safe attractive ten minute walk of regular public transport services;
  - e) the development would not adversely affect the amenity, tranquillity or public enjoyment of any adjacent area.
- 7.4 The site is located in open countryside east of Rowsley which is the nearest settlement. The site is not within Rowsley but is in relatively close proximity being 500m to the east of the centre of the village (measured in a straight line). The site is approximately a 10 minute walk from the village along Chesterfield Road and around a 5 minute walk via footpath 12 which runs along the northern boundary of the site.
- 7.5 The site is not served by public transport but is within a safe and attractive walk of shops and services in Rowsley and regular public transport services along the A6. Therefore the site is located within a sustainable location in accordance with policy S1, S4 and EC9 (d). Therefore the development of holiday chalets / camp sites in this location would in principle be a sustainable form of rural tourism. The key issues therefore are the impacts of the development upon the site, its surroundings and the setting of the Peak District National Park.

#### Impact of the development

- 7.6 Policy S4 seeks to ensure that new development protects and where possible, enhances the intrinsic character and distinctiveness of the landscape, including the character, appearance and integrity of the historic and cultural environment.
- 7.7 Policy PD1 requires development to be of high quality design that respects the character, identity and context of the Derbyshire Dales townscapes and landscapes, development on the edge of settlements to enhance and/or restore landscape character, contribute 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 PD2 requires development to conserve and enhance cultural heritage assets including designated and non-designated heritage assets and archaeology.
- 7.8 Policy PD5 seeks to resist development, which would harm or be detrimental to the character of the local and wider landscape and requires developments to be informed by and

sympathetic to the distinctive landscape character areas as identified in 'The Landscape Character of Derbyshire' and 'Landscape Character of the Derbyshire Dales' assessments. Development must conserve the setting of the Peak District National Park.

- 7.9 The site is located 500m east of the boundary of the Peak District National Park (which runs along the River Derwent through Rowsley). For the purposes of the adopted Landscape Character of Derbyshire assessment the application site is located within the Dark Peak and the Settled Valley Pastures landscape character type (LCT). This landscape is characterised by moderate to steep lower valley slopes, pastoral farming with extensive improved pasture with a wooded character associated with tree belts along streams and cloughs, scattered hedgerow trees and groups around settlements and farmsteads with small irregular fields and winding lanes. The landscape in and around the application site reflects this character.
- 7.10 The proposed chalets would be located to the north of the field adjacent to the existing access and parking area associated with the residential property. The proposed camping pod would be located in a smaller field adjacent to Chesterfield Road. These fields form are located on the valley side and rise up to meet the level of Chesterfield Road allowing open views from the highway and footpath 11 over the valley and towards the National Park to the west. Mature trees around the property, field boundaries and along the highway provide some visual screening around the fields.
- 7.11 The proposed chalets would be located between two existing groups of trees which would act to limit visibility of the structures from the north. However, the proposed chalets would be clearly visible from Chesterfield Road and footpath 11. The proposed chalets would also be visible in longer distance views across the valley within the National Park. The proposed camping pod would be well screened from wider views in the landscape, however, would also be prominent from Chesterfield Road and nearby footpaths where it would be viewed in the context of the Toll House on the north side of Chesterfield Road and an existing traditional stone outbuilding / barn.
- 7.12 Therefore the development would not be well screened by existing landscape features contrary to policy EC9 b). The fields have an open pastoral character with surrounded by groups of mature trees and boundary trees and therefore make a positive contribution to landscape character. Existing buildings at and adjacent to the site are traditional in design and materials and of stone construction with some drystone walling also evident.
- 7.13 The proposed use of timber for the chalets would not reflect existing buildings but would be more appropriate given the backdrop of mature tree planting. However, the chalets would be of a significant scale and domestic appearance and given the prominence from Chesterfield Road and footpath 11 in particular would result in a degree of visual harm. The application proposes additional planting around the chalets, this would act to mitigate the visual impact to a degree but would take a significant amount of time to establish and mature.
- 7.14 The proposed camping pod would be of a significantly smaller scale than the chalets but its position north of the site would be in the most prominent location from Chesterfield Road and adjacent footpaths. The camping pod would introduce a domestic element immediately adjacent to the existing traditional outbuilding harming its setting and that of the Lodge to the North West.
- 7.15 The development would therefore be prominent and would result in an adverse impact on the character and appearance of the immediate and wider landscape contrary to policy EC9 a). The visual impact of the development would not be well screened by existing landscape features from areas outside the site to which the public has access contrary to policy EC9 b). The development would impact upon the setting of the Peak District National Park, however, subject to mitigation in the form of additional landscaping, appropriate colour

finishes and minimal external lighting would not result in harm to the setting of the Peak District National Park.

#### Impact upon cultural heritage and archaeology

- 7.16 Policy PD2 requires development to conserve and enhance cultural heritage assets including designated and non-designated heritage assets and archaeology. Paragraph 194 of the National Planning Policy Framework states that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 7.17 The County Archaeologist has been consulted on the application and advises that the proposed development area (PDA) encompasses the upstanding remains of a mostly preserved 19th century farm which is recorded as a non-designated heritage asset in the Derbyshire HER (MDR22263). It is likely to encompass a drovers road (now a footpath) to the northwest, a pinfold to the northeast a holloway (or drovers road) opposite, leading up onto the moorland. Fields adjacent to the west retain some evidence (as soil marks) of medieval ridge and furrow.
- 7.18 The proposed development comprises the erection of buildings, footpaths and tree and hedge planting and therefore has the potential to impact upon below ground archaeology. The development also has the potential to impact upon the setting of this non-designated heritage asset and the setting of the Toll House which while not listed possesses architectural and historic significance. The application is not supported by a heritage impact assessment or archaeological assessment contrary to the requirements of policy PD2 and paragraph 194 of the NPPF. The County Archaeologist advises that this information is required prior to determination of the application.
- 7.19 Therefore, insufficient information has been submitted with the application to assess potential impacts of the development upon the setting of affected non-designated heritage assets and below ground archaeology contrary to policy PD2 and paragraph 194 of the NPPF.

#### Highway safety and amenity

- 7.20 The site would utilise the existing access onto Chesterfield Road. The Highway Authority has been re-consulted on the reduced scheme but has not provided further comments to date. Given the submitted speed surveys and the reduced intensity of the development now proposed it is considered that the development would be served by safe access and that the development would not harm highway safety. Sufficient parking would be provided on site in accordance with adopted local standards and this could be secured by planning conditions.
- 7.21 The development would provide a limited number of chalets and a camping pod and would attract up to three groups of visitors at any time. The local road network is rural narrow lanes and therefore sensitive to increases in vehicular traffic. Nevertheless, given the relatively small scale of the development additional vehicle movement would be limited and therefore unlikely to result in any significant adverse impact upon the road network or the amenity of road users.
- 7.22 The proposed camping pod would be located approximately 23m from Toll Bar Cottage. Given the scale of the pod and the distance there are no concerns that the development would be overbearing or result in any significant loss of light or privacy. The occupants of the pod would generate noise however, given the distance it is considered unlikely that this would result in any significant harm to the amenity of occupants of Toll Bar Cottage.

## Other issues

- 7.23 The fields are improved grassland and therefore of limited biodiversity value. Nevertheless the site is close to existing trees and therefore activity and lighting at the site could impact upon protected species. A Preliminary Ecological Appraisal (PEA) has been submitted and Derbyshire Wildlife Trust (DWT) consulted. The report concludes that there would be no significant impacts upon protected species and DWT raise no objection subject to conditions to control lighting and to secure an appropriate scheme to secure biodiversity net gain. These conditions are considered to be reasonable and necessary for the development to meet the requirements of policy PD3 and therefore if permission were granted planning conditions would be recommended.
- 7.24 Surface water would be to soakaways around the structures which is acceptable. The development is within Flood Zone 1 and therefore at the lowest risk of flooding. The development would not increase the flood risk to neighbouring properties. The application states that foul drainage would be to a septic tank and it is unknown if the existing system would be utilised. Given the distance to the main sewer it would not be practicable or viable to connect, however, in accordance with national planning policy guidance a septic tank would not be acceptable. A package treatment plant would be required to serve the development to conserve the water environment and mitigate pollution in accordance with policy PD9. If permission were granted a planning condition would be recommended to secure a treatment plant to be installed and operational before the first use of the development.
- 7.25 The development would provide tourist facilities which would likely contribute to the local economy and provide a full time job on the site. These economic and social benefits are welcomed in principle.
- 7.26 Policy PD7 states that the Council will promote a development strategy that seeks to mitigate global warming and requires new development to be designed to contribute to achieving national targets to reduce greenhouse gas emissions by reducing energy consumption and providing resilience to increased temperatures and promoting the use of sustainable design and construction techniques to secure energy efficiency through building design. The development does not include any specific measures to mitigate the impacts of climate change. The proposed buildings would however be constructed from timber which could be sourced from sustainable locations and could incorporate measures to mitigate energy consumption. If permission were granted a planning condition could be imposed to secure a scheme of climate change mitigation measures.

## Conclusion

- 7.27 The proposal comprises the development of chalets and camping pods in a relatively sustainable location close to shops, services and public transport links at Rowsley. Therefore in principle policies are supportive of tourism development in this location.
- 7.28 The proposed chalets would be screened to an extent by the existing mature trees, particularly from the north. However, the chalets and camping pod would be prominent from Chesterfield Road and public footpaths and would also be visible across the valley from the Peak District National Park. Additional planting is proposed around the development but this would not sufficiently mitigate visual impacts of the development around the site.
- 7.29 The development would therefore be prominent and would result in an adverse impact on the character and appearance of the immediate and wider landscape contrary to policy EC9 a). The visual impact of the development would not be well screened by existing landscape

features from areas outside the site to which the public has access contrary to policy EC9 b).

- 7.30 The development would also affect the setting of a non-designated heritage asset and insufficient information has been provided to assess potential impacts upon below ground archaeology contrary to policies PD2 and the NPPF.
- 7.31 Subject to planning conditions the development would not harm highway safety or the amenity of neighbouring properties. However, these issues do not weigh heavily either for or against the proposed development. The development would result in benefits to biodiversity and the local economy but these would not override or outweigh concerns about the impact of the development.
- 7.32 Taking the above into consideration the application is not in accordance with the Adopted Derbyshire Dales Local Plan (2017). Relevant policies are up-to-date and in accordance with the National Planning Policy Framework (NPPF). In the absence of any further material considerations indicating otherwise, the application is recommended for refusal.

## **8.0 RECOMMENDATION**

- 8.1 The proposed accommodation units and holiday pod would be prominent and result in an adverse impact on the character and appearance of the immediate and wider landscape and setting of non-designated heritage assets. The visual impact of the development would not be well screened by existing landscape features. The development is therefore contrary to policies PD2, PD5 and EC8 of the Adopted Derbyshire Dales Local Plan (2017) and the National Planning Policy Framework.
- 8.2 Insufficient information has been submitted with the application to assess potential impacts of the development upon archaeology contrary to policy PD2 of the Adopted Derbyshire Dales Local Plan (2017) and the National Planning Policy Framework.

## **9.0 NOTES TO APPLICANT:**

The Local Planning Authority considered the merits of the submitted application and met with the agent and discussed potential amendments to the development. The Local Planning Authority accepted the submission of a reduced scheme and amended / additional supporting information. Nevertheless, it was judged that the proposal was contrary to the development plan and therefore the application was taken to planning committee for determination at the earliest possible opportunity and within an agreed extension of time thereby allowing the applicant to exercise their right to appeal.

This Decision Notice relates to the following documents:

Application form  
21/698/E03 Rev A – Existing Site Plan  
21/698/P01 Rev E – Proposed Site Plan  
21/698/P02 – Proposed Holiday Chalet Floor Plans  
21/698/P03 – Proposed Holiday Chalet Elevations  
21/698/P04 – Proposed Site Location Plan  
Trial Hole Location Plan - 01

Arboricultural Method Statement – AWA4351AMS  
Arboricultural Report & Impact Assessment – AWA4351  
Design and Access Statement  
BRE365 Infiltration Test – Summary  
Flood Risk Assessment

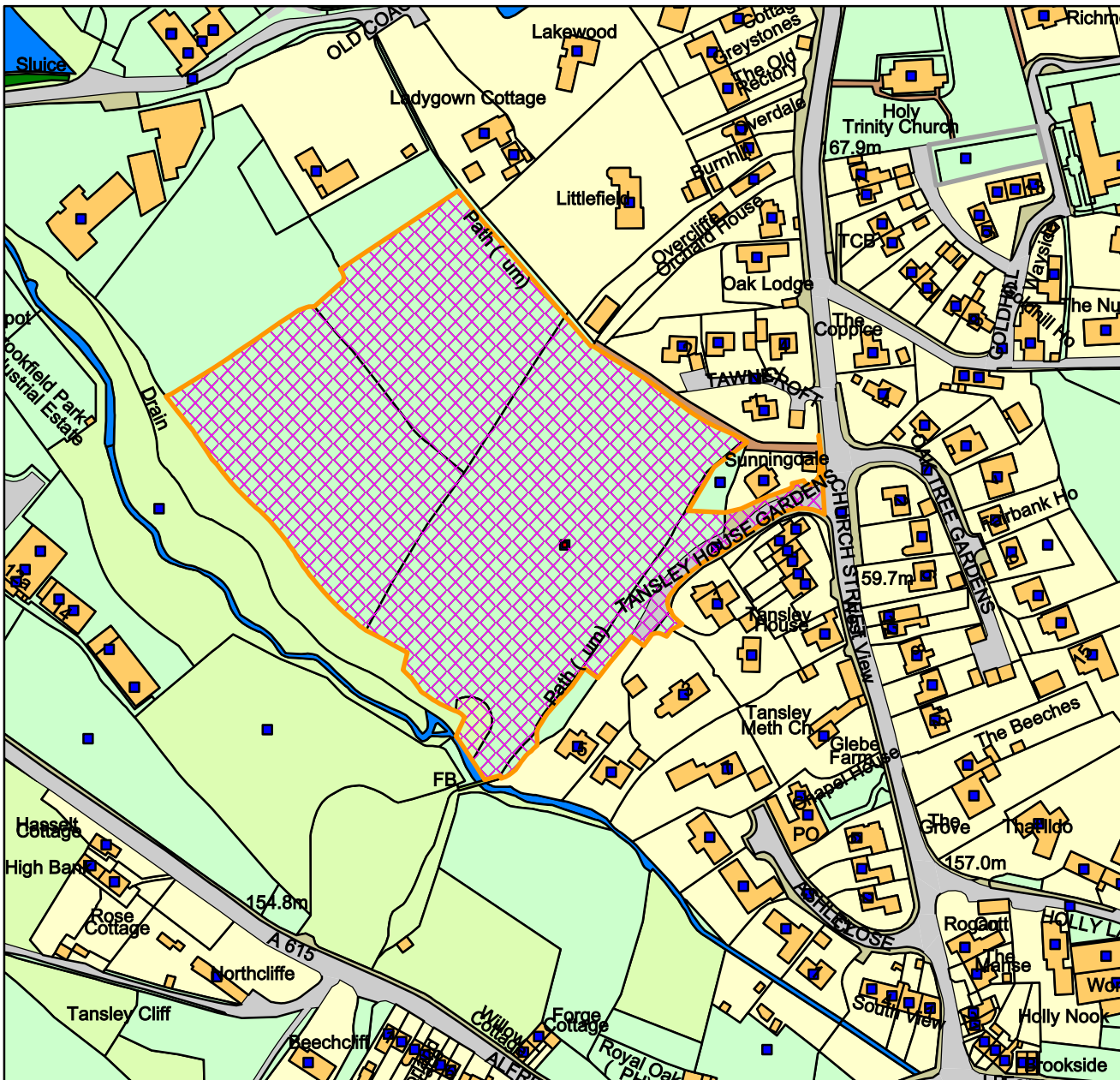


Preliminary Ecological Appraisal  
Landscape and Visual Appraisal – INF\_N0839\_R01  
Landscape and Visual Appraisal – Addendum  
Visibility Splay Calculator – ATC1  
Visibility Splay Calculator – ATC2  
Summary of ATC1 Data  
Summary of ATC2 Data

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22/01190/FUL

Land North East Of Tansley House Gardens Tansley Derbyshire



Derbyshire Dales DC

1:2,500

Date: 30/03/2023

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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<b>APPLICATION NUMBER</b>		22/01190/FUL	
<b>SITE ADDRESS:</b>		Land north east of Tansley House Gardens, Tansley, DE4 5HQ	
<b>DESCRIPTION OF DEVELOPMENT</b>		Erection of 47 no. dwellinghouses with garages and associated infrastructure and landscaping	
<b>CASE OFFICER</b>	Sarah Arbon	<b>APPLICANT</b>	Stancliffe Homes Ltd
<b>PARISH/TOWN</b>	Tansley	<b>AGENT</b>	Paul Bedwell Town Planning
<b>WARD MEMBER(S)</b>	Cllr P Cruise Cllr D Hughes Cllr S Flitter	<b>DETERMINATION TARGET</b>	6 <sup>th</sup> February 2023
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	Major application	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	For Members to appreciate the site and context.

<b>MATERIAL PLANNING ISSUES</b>
<ul style="list-style-type: none"> <li>- Suitability of the location</li> <li>- The effect of the proposal on the character and identity of the settlement and the local landscape</li> <li>- Highway considerations</li> <li>- Flood risk and drainage</li> <li>- Residential amenity impacts</li> <li>- Impact on trees, biodiversity and wildlife, and</li> <li>- Developer contributions and housing mix</li> </ul>

<b>RECOMMENDATION</b>
<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"> <li>• 25% First Homes (4 dwellings) to be delivered on site</li> <li>• 15% Shared Ownership (2 dwellings) to be delivered on site</li> <li>• 60% Social Rented Homes (8 dwellings) to be delivered off-site. This will be secured through a financial contribution to the Council of £365,168.</li> <li>• Education Contribution of £336,396.84 towards the provision of 12 secondary with post16 places at Highfields School and additional education facilities.</li> <li>• An off-site contribution for allotments of £2,777.7.</li> </ul>

## 1.0 THE SITE AND SURROUNDINGS

- 1.1 The 2.20 hectare site is an open agricultural field with hedgerows to the boundaries and in the centre. Tansley Footpath 4 runs parallel to the north eastern boundary of the site and Tansley Footpath 9 runs within the wider field adjacent to the south eastern boundary. The field slopes away to the south east where it meets the brook and the boundary of the Lumsdale Conservation Area. There is a planted area to the bank of the brook. The site adjoins the village of Tansley with the industrial estate to the south west on the opposite side of the brook. The access is proposed via the existing field access onto Tansley House Gardens. DDDC TPO 150/G4, T2 and T3 protected trees are adjacent to the north eastern boundary with the garden area of the property 'Littlefield'.
- 1.2 The temporary site access as granted by permission 22/01130/FUL for the construction compound has been constructed and hardcore has been laid within the site to access the northern corner where the compound is approved. The site is fenced adjacent to the footpath No. 9 and this has been resurfaced and a link is maintained to footpath 4.

## 2.0 DETAILS OF THE APPLICATION

- 2.1 Full planning permission is sought for 47 dwellings utilising the existing field access off Tansley House Gardens. Dwellings would front the south eastern boundary with Tansley House Gardens, parallel with the footpath No.9 and separated by a private drive with the boundary hedge retained. The estate road would run along the north eastern boundary lined by houses either side and curve in the northern corner and then head south east ending in a turning head. Private drives extend from the main access drive in the centre of the site and adjacent to the south western boundary by the brook. A linear Local Area of Play (LAP) is proposed in the centre of the site adjacent to the central private drive and retained hedgerow.
- 2.2 The proposed housing mix is as follows:
  - 4 x 1 bedroom homes.
  - 13 x 2 bedroom homes.
  - 17 x 3 bedroom homes.
  - 7 x 4 bedroom homes; and
  - 6 x 5 bedroom homes.
- 2.3 The affordable housing scheme detailed below equates to 30% of the total of 47 and would be as per the tenure split below:-
  - Four First Homes on plots 10, 11, 12 and 14.
  - Two Shared Ownership properties on plots 5 and 7 and
  - A financial contribution £363,712 to the Council for off-site delivery of eight social rented homes.
- 2.3 The proposed dwellings would be faced in coursed natural stone with slate roofs and would be a mix of detached (53%), semi-detached (25%) with three terraces of three dwellings equating to 6%. The design of the dwellings include gable features, stone cills and lintels, stone corbels, hipped roof bay windows, hipped roof garages with hipped roof bays above, flat roof porch canopies and chimneys.
- 2.4 Twenty five trees were surveyed within or adjacent to the boundaries of the site with one high quality tree, 12 moderate quality and 11 low quality trees. The woodland trees adjacent to the southern boundary are protected by reason of being within Lumsdale Conservation Area and there is an area (DDDC TPO/059/A1) and group (DDDC TPO/150/G4) TPO protecting trees adjacent to the eastern and northern boundaries. Two trees would be

removed as part of the proposals and 41 additional trees are to be planted. Capping of the topsoil of only 100mm is required with no excavation works within the RPA of trees as confirmed by the revised Remediation Implementation Plan dated 14<sup>th</sup> February 2023. A Tree Protection Barrier Plan has been submitted indicating the locations of the protective fencing during construction.

- 2.5 The amended drainage scheme includes an underground attenuation system in the form of a long Rididsewer tank of a volume of 367 cubic metres, rather than the attenuation basin as the slope required for maintenance could not be achieved and the location meant the removal of trees. The tank with a modular crate adjacent would be immediately to the south west of plots 28-30 but would appear as informal open space.

### **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  
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  
HC2 (bb) Housing Land Allocations  
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 (2021)  
National Planning Practice Guide  
Climate Change Supplementary Planning Document (SPD) (2021)  
Developer Contributions SPD (2020)

### **4.0 RELEVANT PLANNING HISTORY:**

22/01130/FUL - Engineering works to form temporary access, car park, construction compound and materials storage, Permitted with conditions 22 Dec 2022

16/00397/FUL - Residential development of 49 dwellings with associated garages and infrastructure, Permitted with conditions 04 Oct 2019

### **5.0 CONSULTATION RESPONSES**

#### Tansley Parish Council

- 5.1 They have no objection to this application and welcome the inclusion of play/recreational space. They welcome the 30% of Affordable Homes being homes which will be 'homes to buy', but would expect a small % to be for rent. They welcome the 106 contribution to Highfields School, but wonder if a % of this contribution could go to the local primary

school in Tansley? They also welcome a 106 contribution to health care. Concerns have been expressed by a local resident at Tawny Croft that there may be overlooking from upstairs windows onto the garden of their property. The Parish Council would like to see the inclusion of street lighting, and would also like confirmation of the tenure of the new streets.

There are concerns related to the amendments requested by Officers' for the above site, and feel some of the changes do not improve the amenity for adjacent properties or for future residents.

- The inclusion of an additional house at the entrance to the site is not welcomed. Stancliffe's original plan had a bungalow set in a generous plot size either side of the entrance to the development, which would give one the sense of openness and lead one into a more densely built development. The new amended plan appears cramped and too dense, the height of the two properties at the entrance makes the development seem more urban, and does not reflect the fact this is green field development adjacent to a conservation area. The proposed houses will also be over bearing in relation to the two public rights of way one adjacent and the other which runs the length of the site. The houses will be at the highest part of the site and be prominent within the wider landscape. The Parish Council object to this amendment.
- The original orientation of Plots 44-48 was rather attractive, as the properties were off set, giving new residents more privacy from the adjacent footpath. The new amendment appears rather ordinary and lacking in any originality. The Parish Council object to this amendment.
- Whilst we welcome the planting of additional trees, we have concerns related to the close proximity of this planting in relation to existing residential gardens adjacent to the site. We request any additional tree planting respects the amenity of residents established gardens and trees do not restrict natural light with overhanging or overbearing tree heights.
- We welcome the new underground attenuation basin.
- We agree boundaries should be delineated by additional stone walling.
- We welcome the inclusion of solar panels and electric charging points.
- We question the content of the email from the Director of Housing who appears to be using data related to income profiles for Tansley in relation to the provision of affordable housing, one might think this a reasonable argument if the social homes were to be ring fenced for local Tansley need, however this is not the case, the homes will be allocated to anyone on the housing register.

The Parish Council have had meaningful discussions with this developer as advised by NPPF, he has been proactive in ensuring the public right of way has been up graded to a high standard and is trying to work with the community to bring forward a quality development, it is therefore with some surprise that DDDC appears once again not to be working with the community it serves.

#### Director of Housing (DDDC)

5.2 The affordable housing scheme as detailed below is acceptable and shall be secured through a S106 agreement.

- Four First Homes on plots 10, 11, 12 and 14.
- Two Shared Ownership properties on plots 5 and 7 and
- A financial contribution £363,712 to the Council for off-site delivery of eight social rented homes.

#### Community Development Manager (DDDC)

5.3 Looking at this application using the SPD and it being within a 15 minute walk to the recreation ground/play area it would require an off-site contribution to children's play and recreation.

#### NHS Derby And Derbyshire Integrated Care Board

5.4 No response received to original or re-consultation requests.



### NHS Chesterfield Royal Hospital

- 5.5 Section 106 impact on health to be considered.  
Initial modelling suggests that the impact of this development is up to £39K

### Highways Authority

- 5.6 The site is accessed via an existing unadopted road known as Tansley House Gardens. Although Tansley House Gardens has adequate carriageway width, footway provision and sufficient emerging visibility onto Church Street, it does not benefit from any drainage or street lighting. It is also unknown if the construction depths of Tansley House Gardens are in accordance with current design specifications, so trial holes would need to be carried out to determine what the existing construction depths are. All works required to upgrade this section of Tansley House Gardens, so it can be adopted, should be agreed in writing prior to any works commencing on site. In terms of traffic impact, the proposal would have a negligible effect on the capacity of the surrounding highway network during busy development periods. Such traffic movements are likely to be minimal and it is considered the proposal is not anticipated to adversely affect the operation of the surrounding highway network subject to several conditions that must be adhered to.

Two Public Rights of Way run through the application site and where Footpath no. 9 crosses the proposed new road details of the crossing point must be provided. We are aware that Derbyshire County Council's Public Rights of Way Team have also made comment on the development proposals. Conditions are recommended in respect of provision of a construction site compound, vehicle wheel washing, construction details of the estate road, laying out of the estate road, parking and manoeuvring provision and removal of permitted development rights in respect of the use of the garages. There were no further comments on the amended plans.

### Strategic Policy (DDC)

- 5.7 The proposed development falls within and directly relates to the normal area of Tansley Primary School. The proposed development of 47 (discounting 4 one bed) dwellings would generate the need to provide for an additional 10 primary pupils. Tansley Primary School has a net capacity for 88 pupils, with 78 pupils currently on roll. The number of pupils on roll is projected to decrease during the next five years to 60. An evaluation of recently approved major residential developments within the normal area of Tansley Primary School shows new development totalling 19 dwellings, amounting to an additional 5 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 10 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 47 (discounting 4 one bed) dwellings would generate the need to provide for an additional 12 secondary with post16 pupils.

Highfields School has a net capacity for 1,392 pupils with 1,250 pupils currently on roll. The number of pupils on roll is projected to increase to 1,397 during the next five years.

An evaluation of recently approved major residential developments within the normal area of Highfields School shows new development totalling 172 dwellings, amounting to an additional 48 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 12 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: £336,396.84 towards the provision of 12 secondary with post16 places at Highfields School + additional education facilities.

In line with the revised Community Infrastructure Levy Regulations 2010 (as amended) Regulation 122 2(a), the County Council will seek a monitoring fee towards the monitoring and reporting of S106 contributions. The fee will be based on the cumulative number of triggers to be monitored for County Council obligations x £73.50 (based on 2 hours officer time Grade 12).

#### Environment Agency

5.8 They 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:

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

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

#### Flood Risk Management (DDC)

5.9 The Lead Local Flood Authority (LLFA) has reviewed the information submitted for this application, which was received on 8 November 2022, with additional information received in December 2022 and March 2023. The LLFA has no objection subject to the conditions in relation to the FRA, drainage hierarchy, control of surface water run-off during construction and submission of a verification report.

#### Derbyshire Wildlife Trust

5.10 Comments on the amended scheme are awaited. They have reviewed the Ecological Impact Assessment (EclA) (Middleton Bell, October 2022), which includes a Biodiversity Net Gain Assessment. The survey and assessment have been carried out to a high standard, in accordance with best practice guidelines. No further survey work is considered necessary. Based on original proposals, a net loss of -4.44 habitat units (43%) is predicted, along with a net gain of +0.78 hedgerow units (24%). The largest habitat loss on site is that of neutral grassland (-1.58 ha). The NPPF 2021 requires planning decisions to achieve a net biodiversity gain and Local Plan Policy PD3 requires development to achieve no net loss and wherever possible a net gain. For the scheme to comply with the aims of local and national planning policy, a biodiversity net gain strategy should be produced, which could comprise either an offsetting site or a commuted sum based on units lost, at the discretion of the local authority.

The general mitigation and enhancement measures recommended in the EclA are considered appropriate and sufficient to adequately safeguard protected species. These can be secured through appropriately worded planning conditions. The proposed landscaping appears well-designed and maximises the value of the open space provided through retention of some habitat features, inclusion of native species and creation of an attenuation basin with native seeding and permanent standing water. Compliance with landscaping plans should be secured via condition.

The hedgerow (H5) along the north-eastern boundary was identified as being of high value, despite just falling short of qualifying as 'Important' under the Hedgerow Regulations 1997. Whilst this will be retained within proposals, as reflected in the proposed layout and landscaping plans, the Boundaries Treatment Plan (No.: 2241.06) shows a 1.8 m timber

fence in this location appearing to run through the centre of the hedge. An appropriate and sympathetic boundary treatment should be provided in this area if additional security is required to the hedgerow itself.

Notwithstanding the biodiversity net gain requirements, conditions are recommended in respect of lighting, submission of a Construction Environmental Management Plan (CEMP) and Landscape and Ecological Management Plan (LEMP).

#### TPO Officer (DDC)

- 5.11 To proposed development is bordered to the north East by trees protected by DCC TPO 124/A1. The Tree Impact Plan submitted shows a number of trees on the North Eastern Boundary would have their Root Protection Areas infringed by the proposed fencing. Of these T22 and G21 are within the TPO. The RPA is defined as the minimum area around a tree that holds enough roots and rooting volume to maintain the tree's viability. Therefore any encroachment into the RPA creates a threat to the viability of the tree. The report states that G21 would suffer a 17.5% infringement and T22 a 13.6% infringement. This is less than ideal as the areas would be vulnerable during the construction phase, prior to landscaping. It is suggested that the fences should protect the entire RPAs and this be removed during landscaping work, then reinstated if necessary.

#### Tree and Landscape Officer (DDDC)

- 5.12 Existing trees, some of which are subject to statutory protection (Tree Preservation Order and/or conservation area), are located around the borders of the site and within the site. It is considered that the revised scheme layout and changes to proposed works in the vicinity to trees have reduced the impact of the proposed development on existing trees to an acceptable level. It is recommended that the Tree Protection Barrier Location Plan (dated 16 Feb 2023) should be amended to include measurements on the plan to facilitate installation of the barriers in the correct locations on-site (this has now been received). The Tree Protection Plan document (dated 16 Feb 2023) is acceptable together with the Detailed Landscaping Proposals plan (dated 29 Sept 2022, Rev E). A condition to require surfacing, infrastructure and buildings to be appropriately located, designed and specified where they are in the vicinity of retained and proposed trees to take account of their future above ground and below ground growth in order to avoid tree-related damage that may result in tree removals to mitigate is recommended. Furthermore a condition is recommended requiring that the proposed trees in private gardens and shared open spaces are retained for at least 5 years following scheme completion and replaced with similarly sized specimens if they become damaged or die during this time.

#### Rights of Way (DDC)

- 5.13 Tansley Public Footpath No.9 crosses the access to the site and Tansley Public Footpath No. 4 runs adjacent to the proposed site, as shown on the attached plan. Following prior discussion with the Rights of Way Section, the applicant has made a commitment to upgrade Footpath 9, from the junction with Footpath 4 to the footbridge, as part of the works. The Rights of Way Section has no objection to the proposals as it appears that the existing routes will be ultimately unaffected by the proposed works. Their comments made in relation to proposal 22/01130/FUL continue to apply.

#### Peak & Northern Footpaths Society

- 5.14 They state that much is made in the application documents of the important contribution which use of the footpaths which run over the NE and SE sides of the site will make to sustainable transport and access to amenities outside the site. This will only happen if these paths are physically and legally improved so they are capable of being used safely and conveniently by the public. This means improving the surfaces of the paths both on and off site, and ensuring that if the paths are enclosed on both sides by close-boarded fences or

high walls the path widths are increased legally to 4 metres. Provision must also be made for the new residents to be able to leave the estate at its northern and southern sides so they can access the wider countryside around the new development. Where FP9 crosses the new access road, there must be a change in the nature and colour of the road surface so that motorists are aware that walkers will be crossing the road.

#### Historic England

5.15 No comments.

#### Archaeology DCC

5.16 Archaeological evaluation work on this site has been previously suggested because of its proximity to Tansley's historic core, resulting in conditions applied to the previous consent 16/00397. This work has however now been carried out with negative results, and the evaluation report is submitted with the application. It is therefore advised that no further archaeological work is indicated in relation to this site.

#### Environmental Health DDDC

5.17 It is recommended that the remediation objectives and verification measures detailed in the Eastwood Engineers Remediation Implementation Plan, dated Nov 22, are added as a condition to this application. Also, given the recent application for the extension of workshops etc. at Wardman's on the nearby Brookfield Park Industrial Estate it is considered that a noise impact assessment is required in order to protect the amenity of the potential new residents.

#### Cllr S Flitter

5.18 Requests a site visit please to assess privacy issues in relation to existing properties on Tawney Croft.

#### Cllr Hughes

5.19 Cllr Hughes visited local residents who live in Tawney Close, the road next to the Tansley House Gardens site to see how the new development will fit in with its neighbours. I have attached two photographs taken by one of the residents which show the current view from Tawney Close over the new development site. I think you can see that there is really no hedge or trees that will obscure the houses to be built backing onto the footpath boundary between Tawney Close and the new development. Also, the trees will never be sufficiently substantial to do so.

The neighbours are concerned about their loss of privacy because two storey houses are now planned along that boundary. They say that they were sanguine regarding the previous layout that showed bungalows rather than houses. The bungalows would not overlook the neighbours in the same way that the upstairs windows in houses would allow.

The neighbours also suggest that it would be better for the houses to be placed nearer to the play area in the development which is lower down. As it is, the bungalows will be placed nearer to the play area yet they are less likely to be occupied by families with young children.

Finally, the neighbours believe that the bungalows will be preferred by older people. Placed lower down the site will mean there is a hill to climb if they want to go anywhere, and that may be an inconvenience. Placed at the top of the site, there are gentler slopes into Tansley. Therefore, the neighbours would like you to ask the developers to exchange the houses adjacent to Tawney Close with the bungalows planned for lower down the site.

As a member of the planning committee, I am reporting the neighbours' comments rather than my views, and I will of course come to a decision if required to do so only after having read the relevant reports and other documentation, and listened to the views expressed in the committee meeting.

## **6.0 REPRESENTATIONS RECEIVED**

- 6.1 Seven representations have been received and the concerns are summarised below:
- a) It is considered that for the residents of Tawney Close, privacy would be best maintained if the adjacent new properties were to be bungalows.
  - b) It is expected that the new developers would use the same plan as previously approved but they have not and this is not appropriate and not acceptable.
  - c) Directly across the footpath from Tawney Close seven new houses are proposed with windows which would overlook existing properties and would be 9m high.
  - d) Existing properties on Tawney Close are have an elevated position so the entire development would be visible from their windows and gardens.
  - e) The gardens of the properties adjacent to Tawney Close would be small and the would cause noise and disturbance to existing residents
  - f) The high-density layout is more appropriate to an urban location than this country village.
  - g) The dwellings would create a loss of privacy and loss of amenity to existing residents.
  - h) It is considered more appropriate to have bungalows adjacent to footpath 40 rather than two storey properties for reasons of privacy.
  - i) Sustainable properties should be built with integral solar panels and electric charging points.
  - j) The A651 cannot take any more traffic at peak periods and Church Street has a pinch point as it adjoins the A651.
  - k) Public transport in Tansley is poor.
  - l) The site abuts Lumsdale Conservation Area.
  - m)It would result in loss of wildlife.
  - n) There is a concern from the resident of Tansley House Gardens as the access road needs to be upgraded to deal with HCVs and the developer should make provision for future maintenance.
  - o) Construction vehicles should not park on Tansley House Gardens and signs should be erected.
  - p) No water runoff should be allowed to prevent mud and soil running down the hill into residents properties.
  - q) The boundary hedge adjacent to Tansley House Gardens should be maintained at a height of 2m with provision made for maintenance.
  - r) The comments of Tawney Close residents have been ignored with bungalows changed to two 2-storey dwellings.
  - s) Residents of 1 Tansley House Gardens are very disappointed to see that the original plot 44 (Cambridge bungalow) has been replaced with an Arlington large 5 bedroom house (now plot 43)
  - t) The proposal includes planting a row of substantial trees adjacent the boundary of 5 Tansley House Gardens which has the potential to have a significant impact their property, obstructing their outlook and taking a significant amount of sunlight from the garden and house.
  - u) The amended plans propose to build a 5 bedroom house at the top of the row bordering Tansley house gardens rather than a bungalow and this is the highest point of the development.
  - v) Soil capping for lead contamination is proposed and the roots of the two mature trees within the garden of Oak Lodge on Church Street should not be damaged or trees removed.

## **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). The National Planning Policy Framework (2021) is a material consideration in respect of this application.

7.2 Having regard to the above, the representations and consultation responses received the following material planning issues are relevant to this application:

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

#### Suitability of the location

7.3 The site lies within the settlement boundary of Tansley and forms the housing allocation HC2 (bb) for 49 dwellings with a total site area of 2.20ha. It should be noted that there is no longer an extant planning permission (16/00397/FUL) for 49 dwellings as it lapsed in Sept 2022. The principle of residential development for 47 dwellings is acceptable on the site within this third tier settlement which has some local employment at Brookfield Industrial Estate and some services and is accessible by a choice means of transport.

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

7.4 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 and Lumsdale Conservation Area. 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.

7.5 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.

7.6 Policy PD2 requires proposals that affect a heritage asset and/or its setting to demonstrate how it has taken into account of design, form, scale, mass, the use of appropriate materials and detailing, siting and views away from and towards the heritage asset.

7.7 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.

7.8 Development within settlement boundaries requires assessment against Policy S3 which requires development to be of a scale, density, layout and design that is compatible with the character, appearance and amenity of the part of the settlement in which it would be located. Policy PD1 requires all development to be of high quality that respects the character, identity and context of the townscape, contributes positively to an area's character in terms of scale, height, density, layout, appearance, materials and relationship to adjacent buildings.

7.9 Whilst the starting point in this case was an assessment against the previous scheme that was granted permission, there are site constraints that have come to light since this decision. The road layout and position of the dwellings along the northern boundary is constrained by the existence of a drain which cannot be built on. Furthermore the changes in land levels

across the site have proved a constraint in terms of the requirement to limit retaining walls and the detailed design of the attenuation pond. Protected trees adjacent to the boundaries have also required changes to the layout to be made during the application process. Therefore, having completed all the necessary land surveys the applicant is of the view that this layout is one which would deliver the dwellings within these identified constraints.

- 7.10 In general terms the layout provides an adopted estate road terminating in the south western corner in a turning head with three private drives accessed from it. The buffer of open space is retained on the south western section of the site varying in width from 14m in the south western part and increasing to 46m in the southern most section. The submitted landscaping plan indicates native hedgerow adjacent to private drive and property boundaries in this part of the site with a heavy standard tree adjacent to the turning head with smaller trees either side. The open space area would be a mix of grassland with a meadow mix for wetlands where the underground tank is proposed and mowed paths to encourage informal access. The existing central hedgerow is maintained through the site with tree planting and a hedgerow mix adjacent together with the linear grassed LAP.
- 7.11 Thirteen heavy standard trees are proposed adjacent to footpath 9 close to the boundary with Tansley House Gardens. The layout is considered to minimise the harm to the landscape through the protection of existing trees adjacent to the boundaries together with the retaining the central hedgerow as a feature of the site. Furthermore the properties nearest to the Conservation Area boundary are single storey and separated by the landscape buffer and screened by the existing trees. The proposed landscaping on the south western and south eastern boundaries would serve to provide a buffer together with biodiversity improvements through hedgerow, shrub and tree planting to aid the assimilation of the development within the wider landscape and setting of the settlement and Lumsdale Conservation Area in accordance with Policies PD2, PD5 and PD6.
- 7.12 In relation to the dwellings, the layout provides a streetscene adjacent to footpath 9 with improvements to the path secured together with natural surveillance ensuring it is utilised. The dwellings use the natural land levels of the site to step down from the higher land to the north east to the lower land to the south west. The dwellings provide a mix of housetypes and the changes to the entrance with a dwelling that has two main elevations serves to create a strong streetscene along the existing footpath within the site. The properties have a cohesive design with frontage features that add interest and break up the mass of the larger dwellings. The inclusion of low level stone walls that change to hedgerows aids legibility within the site. The designs are considered high quality and are in keeping with the character of the area. The scale and heights have been assessed against the proposed finished floor levels and are considered consistent with the land levels of existing properties and the existing slope within the site. All the properties are proposed in coursed natural stone with slate roofs and grey framed windows. Stone lintels, cills and corbels are proposed with slim white UPVC fascias, plain mortared verges and black guttering.
- 7.13 The dwellings are set back from footpath 9 with a softer edge created with tree and hedge planting. Views through the site to the woodland to the south west would be possible along this footpath together with the central open space area where the existing hedgerow is retained and the LAP is located. The stepping down of properties also means views through the site are possible. It is acknowledged that there are areas of frontage parking, however, these are broken up by lines of shrubs, boundary hedgerows and street trees.
- 7.14 Overall the layout creates views through the site to the surrounding area and provides softer edges to the open space with parking concealed and a bespoke approach to housing design.

#### Highway considerations

- 7.15 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. This proposal seeks to upgrade the section of Tansley House Gardens to adoptable standard as although it has adequate carriageway width, footway provision and sufficient emerging visibility onto Church Street, it remains unadopted due to its lack of street lights and drainage. In terms of traffic impact, the Highways Authority considered that the proposal would have a negligible effect on the capacity of the surrounding highway network during busy development periods. Such traffic movements are likely to be minimal and it is considered the proposal is not anticipated to adversely affect the operation of the surrounding highway network subject to recommended conditions.

- 7.16 Two Public Rights of Way run through the application site and where Footpath no. 9 crosses the proposed new road details of the crossing point must be provided. Planning permission 22/01130/FUL was granted in December 2022 for engineering works to form temporary access, car park, construction compound and materials storage for the site which includes vehicle wheel washing. The Highways Authority has no objection subject to conditions in respect of construction details of the estate road, laying out of the estate road, parking and manoeuvring provision and removal of permitted development rights in respect of the use of the garages. On this basis, the proposed access, parking provision and manoeuvring areas are considered acceptable and the proposal accords with Policy HC19.

#### Flood risk and drainage

- 7.17 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 site is within Flood Zone 1 and is not at significant risk of flooding from any source. A Flood Risk Assessment (FRA) has been submitted in support of the application in accordance with the requirements of the National Planning Policy Framework. A drainage strategy has also been submitted. These documents conclude that infiltration type SuDS such as soakaways are not viable due to the expected presence of impermeable ground conditions (clay). Surface water disposal would be via gravity to the Knabhall Brook located south-west of the site, subject to approval from Derbyshire County Council (LLFA). An existing headwall is available to utilise. Surface water discharge would be restricted to the greenfield runoff rate, equating to 6.8 l/s, subject to LLFA approval. Attenuation storage would be provided in an underground tank with a volume of 367 cubic metres. Proposals are for the diversion of the existing public foul sewer crossing the site, subject to approval from Severn Trent Water. Foul effluent would discharge via gravity to the public foul sewer to the north-west of the site.
- 7.18 The LLFA has confirmed that the amended drainage scheme that proposes an underground attenuation tank is acceptable and conditions are recommended.

#### Residential amenity impacts

- 7.19 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. Policy PD1 requires development achieves a satisfactory relationship to adjacent development in relation to visual intrusion, overlooking, shadowing and overbearing impacts.
- 7.20 The nearest properties to the site are adjacent to the north eastern corner of the site at higher land levels. Sunningale is on the corner of Tansley House Gardens and Church Street with its rear elevation facing south west. An assessment of the window to window distances between this property and plot 1 has been undertaken and on the basis of this distance being in excess of 21m, plot one being 1.5m lower and the intervening tree planting it is considered that this relationship is considered acceptable. No.1 Tawney Close is to the north of Sunningale with its rear aspect facing west and the relationship with plot 1 is also considered acceptable for similar reasons. The relationships of the proposed dwellings with



other properties on Tawney Close and Tansley House Gardens are also considered acceptable.

7.21 Overall the layout provides sufficient space within the site for a development of this scale to be accommodated with sufficient separation distances from proposed dwellings to the existing residential properties to the north east and south east of the site. The development 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.

#### Impact on trees, biodiversity and wildlife

7.22 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. The Council's Tree Officer considers the revised scheme layout and changes to the proposed works in the vicinity to trees have reduced the impact of the proposed development on existing trees to an acceptable level. This is based on the attenuation basin being changed to an underground tank and alterations to plots in the northern corner of the site and no excavation works within the RPA's of the adjacent protected trees. The Tree Impact Assessment now concludes that the arboricultural impact of the development is considered to be low. The Tree Officer is satisfied that the impact on trees has been reduced and sufficiently mitigated and considers that the landscaping scheme is appropriate.

7.23 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.

7.24 Updated calculations that the site is assessed to achieve a 1.33% gain in habitat units and a 68.07% gain in hedgerow units have been provided. Overall, the site has increased from 14.13 units (combined) to 16.8 units which equates to an 18.9% increase. This is largely as a result of retaining larger areas of grassland, the introduction of more trees and further hedgerow, together with increased management plans. Two trees would be lost on site whilst 41 trees are proposed to be planted. Thus, the application proposals would result in a net gain of 39 trees on the site. Ecological enhancement include a total of 50 Hedgehog holes (13 x 13 cm) to be included in the boundary fences to allow hedgehogs (*Erinaceus europaeus*) to access garden habitat. Half of the new dwellings would incorporate new Manthorpe swift boxes and half would incorporate Vivara PRO UK Build-in WoodStone Bat Boxes.

7.25 Derbyshire Wildlife Trust have confirmed that the mitigation and enhancement measures are appropriate and the landscaping scheme is "well-designed and maximises the value of the open space provided through retention of some habitat features and inclusion of native species". However, they have yet to make further comments on the revised Biodiversity Net Gain and underground attenuation tank with the associated landscaping changes. These shall be either reported within late representations or verbally at the meeting. Notwithstanding this response, it is considered that the applicant has demonstrated that, subject to planning conditions, the development can secure biodiversity net gain in accordance with policy PD3

#### Developer contributions and housing mix

7.26 Consistent with local plan Policy HC4: Affordable Housing, which requires 30% provision, the applicant proposes to deliver the scheme detailed below:

- 25% First Homes (4 dwellings) to be delivered on site (Plots 10, 11, 12 and 14)
- 15% Shared Ownership (2 dwellings) to be delivered on site (Plots 5 and 7)
- 60% Social Rented Homes (8 dwellings) to be delivered off-site. This will be secured through a financial contribution to the Council (as outlined in the Council's Developer Contributions SPD). The extent of this proposed financial contribution for these 8 dwellings is £45,464 per unit which includes £745 per unit enabling fee. Thus, the total financial contribution to be secured through a Section 106 Agreement to deliver the proposed 8 social rented homes would be  $8 \times £45,646 = £365,168$ .

7.27 The District Council seeks to secure the housing mix prescribed in Policy HC11 of the Adopted Derbyshire Dales Local Plan. However, it is recognised that final mix achieved on any site will be informed by the location, nature and size of the development site, character of the area, evidence of local housing need, turnover of properties at the local level and local housing market conditions.

The proposed mix below is considered to be appropriate in this location.

- 4 x 1 bedroom homes.
- 13 x 2 bedroom homes.
- 17 x 3 bedroom homes.
- 7 x 4 bedroom homes; and
- 6 x 5 bedroom homes.

7.28 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

7.29 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 47 dwellings has a requirement for 0.007 Ha (76m<sup>2</sup>) for children's play provision whereby 0.0179 Ha is proposed which amounts to one Local Equipped Areas of Play (LAP). The SPD has a requirement for parks and gardens which would amount to 0.045 ha (457.7m<sup>2</sup>) and the proposal would provide 0.638 ha (6381.5m<sup>2</sup>) of informal open 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 3.94m<sup>2</sup> per dwelling equating to £2,777.7 would be justified.

7.30 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). 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 future management and maintenance of both the LAP and informal open space would be the responsibility of the developer through a management company and the details of which shall be secured through the Section 106 agreement. 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.

- 7.31 The PD7 Climate Change checklist has been provided stating PV are proposed together with EV charge points for all dwellings but no details have been supplied. This shall be a condition of any permission.

### Conclusion

- 7.32 As set out in paragraph 7.2 the site is allocated in the Adopted Derbyshire Dales Local Plan (2017) for residential development under Policy HC2(bb). Such sites are critical to the District Council meeting the spatial strategy and vision set out in this plan, particularly in respect of the delivery of housing to meet the districts objectively assessed housing needs. Subject to the applicant entering into a S106 planning obligation agreement to secure 4 no. first homes, 2 no. shared ownership an off-site affordable housing contribution equivalent to 8 units (£365,168) and a contribution of £336,396.84 towards secondary and post 16 school places and conditions the development addresses the relevant provisions of the development plan and national guidance. 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 planning permission, subject to the below conditions and response from the Derbyshire Wildlife Trust, and following the completion of a S106 planning obligation agreement to secure:

- 25% First Homes (4 dwellings) to be delivered on site
- 15% Shared Ownership (2 dwellings) to be delivered on site
- 60% Social Rented Homes (8 dwellings) to be delivered off-site. This will be secured through a financial contribution to the Council of £365,168.
- Education Contribution of £336,396.84 towards the provision of 12 secondary with post16 places at Highfields School and additional education facilities.
- An off-site contribution for allotments of £2,777.70.

### **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. This consent relates solely to the application drawings:- Location plan 2241.02, Planning Layout 2241.01 Rev R, Cross Section 2241.05 Rev B, Detailed landscape proposals 3941/1 Rev E, Drainage Layout 47402-ECE-XX-XX-DR-C-0004 Rev P06, Impermeable Areas Layout 47402-ECE-XX-XX-DR-C-0005 Rev P02, Site Plan showing finished floor levels SH-TANS-0005, Street Scenes 2241.04 Rev B, Tree Protection Barrier Location Plan SH-TANS-0004 and the following housetype plans:-  
Langley – LAN.01 and LAN.02 Rev A  
Gainsborough – GAI.01, GAI.02 A and GAI.03  
Henley – HEN.01, HEN.02 A and HEN.03 A  
Harwood – HAR.01  
Burford – BUR.01

Ashton – ASH.01A  
Windsor – WIN.01 and WIN.02  
Woburn – WOB.01 and WOB.02  
Cambridge – CAM.01 and CAM.02  
Tenby – TEN.01 and TEN.02  
Thornham – THO.01 and THO.02  
Oxford – OXF.01 and OXF.02  
Arlington - ARL.01 and ARL.02  
Daylesford – DAY.01, DAY.02 and DAY.03

Reason:

For the avoidance of doubt

3. No development shall take place until construction details of the residential estate road and footways (including levels, gradients, surfacing, street lighting and means of surface water drainage) together with the details of the crossing point of footpath No.9 have been submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of amenity and highway safety in accordance with Adopted Local Plan Policies S3 and HC21.

4. The existing and proposed carriageway of the estate road to serve the development shall be laid out in accordance with submitted drawing ref: 2241.01 Rev. R and constructed in accordance with Condition No 3 above up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageways and footways shall be constructed up to and including base course to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and Church Street. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within 12 months (or 3 months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of amenity and highway safety in accordance with Adopted Local Plan Policies S3 and HC21.

5. No dwelling shall be occupied until space has been laid out within the site for the parking and manoeuvring of residents' vehicles associated with that dwelling in accordance with drawing ref: 2241.01 Rev. R These facilities shall thereafter be retained for use at all times.

Reason:

In the interests of amenity and highway safety in accordance with Adopted Local Plan Policies S3 and HC21.

6. The garages and car parking spaces to be provided shall be kept available for the parking of motor vehicles at all times. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and/or re-enacting that Order), the garage/car parking spaces hereby permitted shall be retained as

such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.

Reason:

In the interests of amenity and highway safety in accordance with Adopted Local Plan Policies S3 and HC21.

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. Eastwood Consulting Engineers. (21 October 2022). *Flood Risk Assessment*, 47402-0001 Issue 1, and Eastwood Consulting Engineers. (17.02.2023). *Drainage Layout*. 47402-ECE-XX-XX-DR-C-0004 P06, including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team b. 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.

Reason:

To ensure that the proposed development does not increase flood risk in accordance with Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

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 and to obtain a full understanding of the springs within the site and any associated mitigation requirements.

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. 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.

And to ensure that development will be safe from flood risk including from groundwater and natural springs 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 Local Planning Authority 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 Local Planning Authority, 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. The development hereby approved shall be implemented in accordance with the Tree Protection Plan document (dated 16 Feb 2023) *and* Tree Protection Barrier Location Plan SH-TANS-0004 Rev A and BS5837 Report and Arboricultural Impact Assessment.

Reason:

In order to protect the protected trees from damage during construction in accordance with Policy PD6 of the Adopted Derbyshire Dales Local Plan (2017).

12. The proposed trees in private gardens and shared open spaces as approved on Detailed Landscaping Proposals plan 3941/1 Rev E shall be retained for at least 5 years following scheme completion and replaced with similarly sized specimens if they become damaged or die during this time.

Reason:

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).

13. Prior to works on the footpaths commencing details of any regarding/improvement works and the method of construction which will leave a footpath route open shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be carried out in accordance with the agreed details.

Reason:

To ensure the works to the footpaths are undertaken in an acceptable manner in the interests of visual amenity in accordance with Policy HC19 of the Adopted Derbyshire Dales Local Plan (2017).

14. Notwithstanding the submitted information on materials plan 2241.03 Rev A and prior to the works commencing on the construction of the exterior walls of any of the dwellings the following details shall be submitted to and agreed in writing by the Local Planning Authority:

- Detailed plans of all windows and doors, their finish and reveal

- Details and samples/sample panel where necessary of all external facing and roofing materials including geological source, construction detail and finish including mullions, jambs, heads, cills and mortar detail
- Details of and finished materials of all chimneys

Reason:

To ensure an appropriate finished form of development in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

15. The development hereby approved shall be implemented in accordance the remediation objectives and verification measures detailed in the Eastwood Engineers Remediation Implementation Plan, dated Nov 22.

Reason:

To ensure that appropriate assessment, remediation and verification of ground contamination / ground gas and controlled waters is undertaken in accordance with Adopted Local Plan Policy PD9.

16. A scheme for protecting the future occupiers of the development hereby permitted from noise from Wardman's on Brookfield Park Industrial Estate shall be submitted to and approved in writing by the Local Planning Authority and any identified measures completed in full prior to the site / building(s) being brought into first use.

Reason:

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

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no buildings, structures, extensions, fences, gates, walls or other means of enclosure shall be erected within the curtilage of the dwellings on plots 2, 3, 4, 5, 10, 11, 12, 13, 14, 15, 16 and 17 without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason:

In order to protect the future health of the protected trees in accordance with Policy PD6 of the Adopted Derbyshire Dales Local Plan (2017).

18. No dwelling shall be first occupied until:-
- a) A scheme for the laying out and equipping of the play area shown on the submitted plan, to include landscaping, boundary treatment and provision for future maintenance and safety checks of the equipment has been submitted to and approved in writing by the Local Planning Authority and;
  - b) The play area has been laid out and equipped in accordance with the approved scheme.

Reason:

To ensure appropriate provision of play area in accordance with Policy HC14 of the Adopted Derbyshire Dales Local Plan (2017) and guidance contained within the National Planning Policy Framework.

19. 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).

20. No site machinery or plant shall be operated, no process shall be carried out and no demolition or construction related deliveries received or dispatched from the site except between the hours of 8am-6pm Monday to Friday 8am -1pm Saturday and at no time on Sundays, Bank or Public Holidays.

Reason:

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

21. All soft landscaping comprised in the approved detailed landscaping proposals plan no. 3941/1 Rev E shall be carried out in the first planting and seeding season following the first occupation of any dwelling or the completion of the development (whichever is 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 landscaped setting for the development and the protection of existing important landscape features in accordance with Adopted Local Plan Policy PD5.

22. The dwellings shall incorporate measures to help mitigate the effects of and adapt to climate change. The measures and any scheme including timetable for delivery shall be submitted to the Local Planning Authority and approved in writing prior to installation. 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).

23. 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).

24. 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).

25. No development shall take place (including ground works, vegetation clearance and movement of plant, machinery and materials) 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 be based on the mitigation measures detailed in the Ecological Impact Assessment (Middleton Bell Ecology, 2022) and include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”, including retained onsite habitats and the offsite woodland.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction. This should include measures to safeguard nesting birds, common amphibians and hedgehogs.
- 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).

26. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The LEMP shall combine both the ecology and landscape disciplines and include the enhancement measures detailed in the Ecological Impact Assessment (Middleton Bell Ecology, 2022). The following information shall be provided:
- a) Description and location of features to be retained, created, enhanced and managed, as per the approved biodiversity metric (Middleton Bell Ecology, 13.10.22).

- 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, as per the Ecological Impact Assessment.
- j) Details of offset gullies and drop kerbs in the road network to safeguard amphibians.
- k) Detailed specifications for open water habitats to provide biodiversity benefits.
- k) Requirement for a statement of compliance upon completion of planting and enhancement works.

The LEMP 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 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).

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

Reason:

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

## **9.0 NOTES TO APPLICANT:**

1. 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 layout, design, trees and drainage.
2. 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.
3. This permission relates solely to the application  
Location plan 2241.02, Planning Layout 2241.01 Rev R, Cross Section 2241.05 Rev B,  
Detailed landscape proposals 3941/1 Rev 12, Drainage Layout 47402-ECE-XX-XX-DR-C-

0004 Rev P06, Impermeable Areas Layout 47402-ECE-XX-XX-DR-C-0005 Rev P02, Site Plan showing finished floor levels SH-TANS-0005, Street Scenes 2241.04 Rev B, Tree Protection Barrier Location Plan SH-TANS-0004 and the following housetype plans:-  
 Langley – LAN.01 and LAN.02 Rev A  
 Gainsborough – GAI.01, GAI.02 A and GAI.03  
 Henley – HEN.01, HEN.02 A and HEN.03 A  
 Harwood – HAR.01  
 Burford – BUR.01  
 Ashton – ASH.01A  
 Windsor – WIN.01 and WIN.02  
 Woburn – WOB.01 and WOB.02  
 Cambridge – CAM.01 and CAM.02  
 Tenby – TEN.01 and TEN.02  
 Thornham – THO.01 and THO.02  
 Oxford – OXF.01 and OXF.02  
 Arlington - ARL.01 and ARL.02  
 Daylesford – DAY.01, DAY.02 and DAY.03  
 Land Survey Plan 1254/1  
 Agent’s letter dated 17<sup>th</sup> February 2023  
 Remediation Implementation Plan by Eastwood dated 14<sup>th</sup> February 2023  
 Report on Additional Site Investigation Letter by Eastwood dated 13<sup>th</sup> October 2022  
 Written Scheme of Investigation for Archaeological Evaluation Trenching by Lanpro Services dated September 2022  
 Archaeological Evaluation Trenching by WYAS Archaeological Services dated November 2022  
 Tree Protection Plan document (dated 16 Feb 2023)  
 Flood Risk Assessment by Eastwood dated 21<sup>st</sup> Oct 2022  
 Transport Statement Oct 2022  
 BS5837 Report and Arboricultural Impact Assessment Ref 22052  
 Construction Method Statement and Environmental Management Plan Rev A Oct 2022  
 Climate Change Statement Checklist  
 Design and Access Statement  
 Ecological Impact Assessment

4. 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](mailto: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. 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.

H. 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.

I. 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.

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

K. 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.

L. 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.

5. A. 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 Executive Director – Place at County Hall, Matlock (Tel: 01629 533190 and ask for the Development Control Implementation Officer). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 38 Agreement.

B. Highway surface water shall be disposed of via a positive, gravity fed system (i.e. not pumped) discharging to an approved point of outfall (e.g. existing public sewer, highway drain or watercourse) to be sanctioned by the Water Authority (or their agent), Highway Authority or Environment Agency respectively. The use of soakaways for highway purposes is generally not sanctioned.

C. Pursuant to sections 219/220 of the Highways Act 1980, relating to the Advance Payments

Code, where development takes place fronting new estate streets, the Highway Authority is obliged to serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This takes the form of a cash deposit equal to the calculated construction costs and may be held indefinitely. The developer normally discharges his obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highways Act 1980.

D. Pursuant to sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps 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.

E. The application site is affected by two Public Rights of Way, Footpath No's 4 and 9 on the

Derbyshire Definitive Map. These routes must remain unobstructed and on their legal alignment at all times and the safety of the public using them must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 01629 533190 and asking for the Rights of Way Duty Officer. Please note that:

- The granting of planning permission is not consent to divert or obstruct a Public Right of Way.
- If it is necessary to temporarily obstruct a right of way to undertake development works, then a temporary closure is obtainable from the County Council. Please contact 01629 533190 for further information and an application form.
- If a Right of Way is required to be permanently diverted then the Council that determines the planning application (The Planning Authority) has the necessary powers to make a Diversion Order.
- Any development insofar as it will permanently affect a Public Right of Way must not commence until a Diversion Order (obtainable from The Planning Authority) has been confirmed. A temporary closure of the Public Right of Way to facilitate public safety during the works may then be granted by the County Council.
- To avoid delays, where there is reasonable expectation that planning permission will be forthcoming, the proposals for any permanent stopping up or diversion of a Public Right of Way can be considered concurrently with the application for the

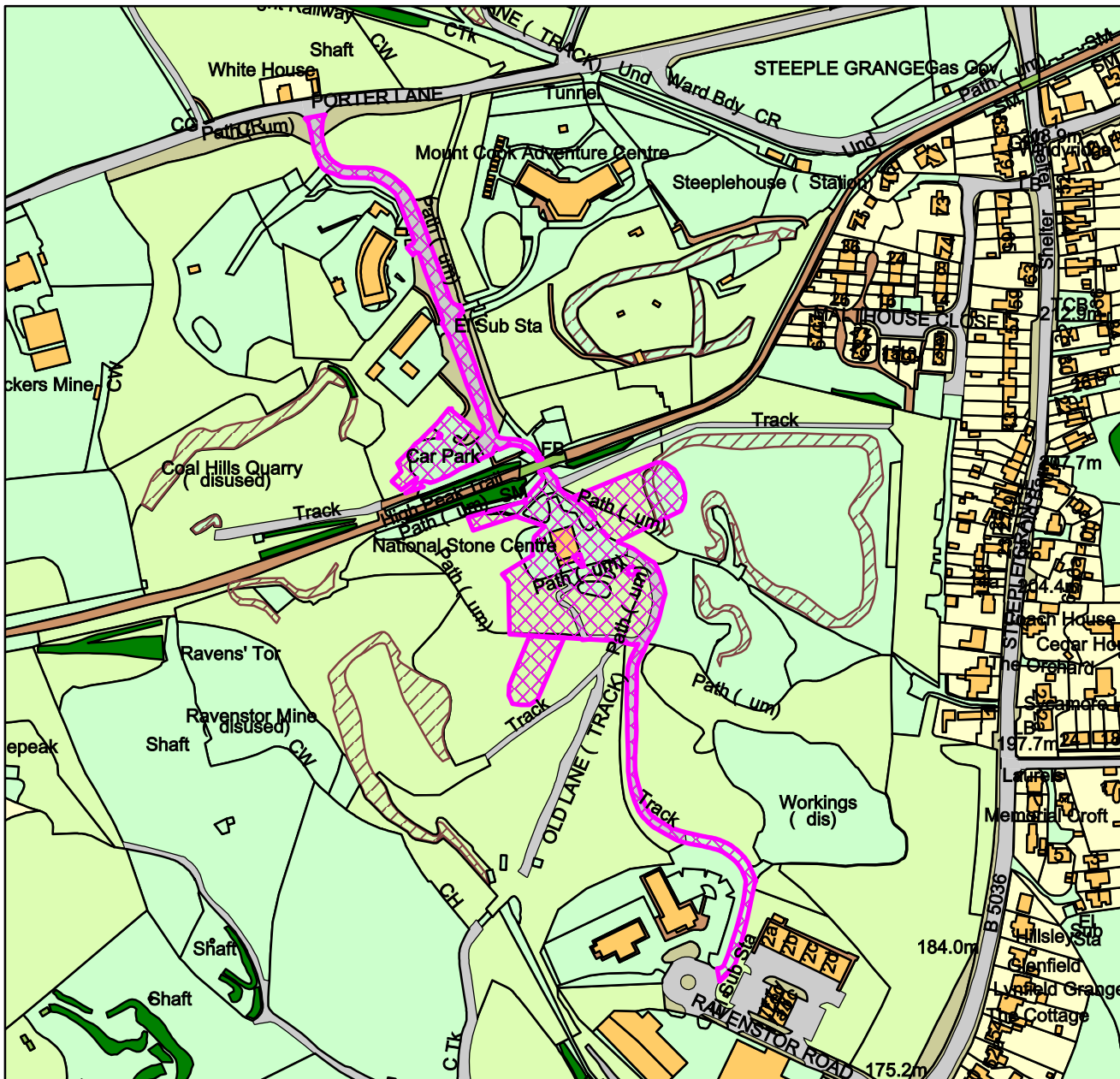
proposed development rather than await the granting of permission.

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22/01316/FUL

The National Stone Centre Porter Lane Middleton By Wirksworth Matlock Derbyshire



Derbyshire Dales DC

1:4,000

Date: 30/03/2023

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## Planning Committee 11<sup>th</sup> April 2023

<b>APPLICATION NUMBER</b>		22/01316/FUL	
<b>SITE ADDRESS:</b>		The National Stone Centre, Porter Lane, Middleton By Wirksworth	
<b>DESCRIPTION OF DEVELOPMENT</b>		Construction of replacement mixed use discovery centre with associated landscaping, drainage and car parking.	
<b>CASE OFFICER</b>	Adam Maxwell	<b>APPLICANT</b>	Mr James Thorne
<b>PARISH/TOWN</b>	Wirksworth	<b>AGENT</b>	Babenko Associates
<b>WARD MEMBER(S)</b>	Cllr Mike Ratcliffe Cllr Peter Slack	<b>DETERMINATION TARGET</b>	14.04.2023
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	Major application	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	For Members to appreciate the site and context.

### MATERIAL PLANNING ISSUES

- Whether the development is acceptable in principle
- Design, landscape impact and impact upon the character and appearance of the area
- Impact on trees and biodiversity
- Impact on cultural heritage
- Sustainable building and climate change
- Flood risk and drainage
- Transport and Impact on highway safety
- Impact upon the amenity of neighbouring properties

### RECOMMENDATION

That authority be delegated to the Development Manager or Principal Planning Officer to grant planning permission, subject to prior entry into planning obligation to secure funding for monitoring of travel plan and subject to the conditions set out in section 8.0 of the report.

## **1.0 THE SITE AND SURROUNDINGS**

- 1.1 The National Stone Centre (NSC) is located within the former Coal Hills quarry site north west of Wirksworth. The application site comprises 1.29 hectares within the site south of the High Peak Trail (HPT) occupied by the existing visitor centre / café building. The site is accessed from Porter Lane via a vehicular / pedestrian tunnel beneath the trail. The existing discovery centre is located on a flat plateau within the sloping complex of former quarries and provides a permanent 'story of stone' exhibition along with a café and educational facilities for visitors.
- 1.2 There is unrestricted public access to many parts of the site beyond the HPT, with a network of public rights of way around the site NSC and nearby lead mines. Evidence of the industrial past of two major industries (lead mining and quarrying) dominates the southern half of the NSC with large rock outcrops and occasional evidence of adits and fissures.
- 1.3 The nearest neighbouring properties include the Derbyshire Eco Centre and Mount Cook Adventure Centre to the north. The nearest residential properties are beyond the former quarry to the north west and west.
- 1.4 The site is partially within the Colehill Quarries Site of Special Scientific Interest (SSSI) and the National Stone Centre Quarries Local Wildlife Site. The site is also partially located within the Middleton by Wirksworth Conservation Area and approximately 280m to the north east of the remains of Nether Ratchwood and Rantor lead mines which are protected as a scheduled monument.

## **2.0 DETAILS OF THE APPLICATION**

- 2.1 Full planning permission is sought for the construction of replacement mixed use discovery centre with associated landscaping, drainage and car parking.
- 2.2 The proposed discovery centre would comprise 922m<sup>2</sup> museum / exhibition space, 372m<sup>2</sup> flexible classroom space (with conference / theatre / concert configurations), 353m<sup>2</sup> café / restaurant, 95m<sup>2</sup> souvenir shop, 68m<sup>2</sup> offices, changing places facilities and ancillary storage and plant room. Landscaping around the building is also proposed including an open-air piazza and children's playground.
- 2.3 The plans show that the discovery centre would be sited to the south of the existing. The building would be three storey cantilevered out over the existing rock outcrop. The building would be a contemporary design conceived as two blocks projecting from the edge of the plateau referencing crystalline rock formations with a curved triangular section between the two blocks.
- 2.4 The discovery centre would be largely clad in coursed graduated natural limestone reflecting the stratification of sedimentary limestone rock visible in the quarries. Recessed zinc cladding would also be utilised between the main elements and to the proposed atrium and canopy. Other design details include cortenised steel brises soleil and an exposed concrete soffit with fossil imprints. The building would have solar panels and a 'biodiverse grass' roof.
- 2.5 The existing discovery centre would be demolished as part of the scheme after the completion of the replacement centre. The site of the existing centre would then become a circular stone paved piazza. The plans also show new pathways around the front of the building a relocated play area and cycle stands to the front of the building.
- 2.6 The existing parking area adjacent to the centre would be removed to form part of the proposed piazza. A new area of hard standing would be created to the north of the proposed



centre south of the HPT to provide 10 no. spaces for disabled visitors. The plans also show that the existing car park north of the HPT would be re-configured to provide 67 no. car parking spaces and that echelon parking either side of the access road would provide a further 32 no. car parking spaces of which 10 no. would be provided with electric vehicle charging points.

2.7 The application site consists of developed land, pockets of calcareous and neutral grassland, scrub and woodland. The development would result in the loss of bramble and mixed scrub and a small area of mixed woodland and lowland calcareous grassland. The application proposes on-site and off-site habitat enhancement works which would result in an overall biodiversity net gain of 10%.



### 3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

#### 3.1 Adopted Derbyshire Dales Local Plan 2017

S1 Sustainable Development Principles  
S4 Development within the Countryside  
PD1 Design and Place Making  
PD2 Protecting the Historic Environment  
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  
HC18 Provision of Public Transport Facilities  
HC19 Accessibility and Transport  
HC20 Managing Travel Demand  
HC21 Car Parking Standards  
EC8 Promoting Peak District Tourism and Culture

#### 3.2 Adopted Wirksworth Neighbourhood Development Plan 2015

NPA 1 Setting and shape of the settlement  
NPA 2 Quality and character of development within the settlement  
NPA 3 Sites with concept statement  
NP 11 Loss of existing facilities and open spaces  
NP 13 Overnight accommodation and tourism development  
NP 16 Energy-saving standards for non-residential developments  
NP 19 Provision for pedestrians and cyclists  
NP 21 Impact of new retail development (viability of established independent traders)

#### 3.3 Other:

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

### 4.0 RELEVANT PLANNING HISTORY:

08/00741/FUL	Erection of canopy extension	PERC	21/11/2009
20/00471/FUL	Proposed extension	PERC	16/11/2020
0688/0459	VISITOR/RECEPTION BUILDING COMPRISING EXHIBITION AREA, CAFETERIA, SHOP AND TOILETS	A	12/09/1988

### 5.0 CONSULTATION RESPONSES

5.1 Wirksworth Town Council: No comment.

5.2 Middleton By Wirksworth Parish Council: No response to date.

5.3 Derbyshire Wildlife Trust

“The National Stone Centre is situated in an ecologically sensitive area, surrounded by the National Stone Centre Local Wildlife Site (LWS) and Colehill Quarries Site of Special Scientific Interest (SSSI). These sites are particularly important for calcareous grassland, open mosaic habitat and invertebrates, along with geological interest. The footprint of works will encroach into the SSSI/LWS, resulting in some habitat loss. Whilst the Ecological Appraisal states that valuable habitat is not present in this location, the plans do indicate that calcareous grassland will be lost in this area. We note that Natural England have requested additional information regarding potential impacts to the SSSI and whilst this focuses on the geological reasons for designation, a clear plan showing the exact overlap of the proposals with the boundary of the SSSI (and LWS) would be useful.

A large proportion of the proposed development will be located on existing developed ground, within the existing footprint of the Stone Centre, driveway, parking and playground. The main areas of habitat loss (grassland, scrub and woodland) will be immediately south of the existing terrace, either side of the entrance road north of the High Peak Trail and in an area to the west proposed for new parking spaces. As the building will be cantilevered over the southern portion of the site, there may be some possibility of re-creating some habitat in this location upon completion of works e.g. open mosaic habitat, depending on the level of shading.

Currently, a net loss of -2.4 habitat units (38%) is predicted. This includes losses of calcareous grassland, neutral grassland, mixed and bramble scrub and mixed and broadleaved woodland.

The Design and Access Statement indicates the intention to provide a 10 % net biodiversity gain. The Ecological Appraisal states that an offsetting strategy is required, however no details have as yet been provided. Whilst we agree that offsetting measures can be secured via condition or 106 agreement, the details of the offsetting should be agreed prior to determination to provide the LPA with sufficient confidence that a net gain is achievable. Habitat creation / enhancement should be secured within the Stone Centre land as a first resort and we advise that suitable locations are identified at this time. Proposals should be entered into the metric to demonstrate a gain and full details should be presented in an Offsetting Strategy Report.

It is also important that the onsite habitat creation is designed to benefit the wildlife that use the area. Whilst no reptiles were recorded in the Reptile Survey, records are present in the local area and onsite/adjacent habitats are suitable. The existing calcareous and neutral grassland are also likely to be used by invertebrates, including S41 butterflies.

We advise that details of biodiversity offsetting are submitted by the applicant at the earliest opportunity. Once a sufficient level of confidence has been provided that the scheme will achieve a net gain and that species mitigation can be incorporated, we advise that likely planning conditions will include the following:

- Landscape and Biodiversity Enhancement and Management Plan (LBEMP)
- Construction and Environmental Management Plan (CEMP: Biodiversity)
- Sensitive Lighting Scheme”

Officer Note: Officers have sought additional information from the applicant in regard to Biodiversity Net Gain. This has been submitted and Derbyshire Wildlife Trust have been re-consulted. No further response has been received to date. If a response is received before the meeting it will be updated as a late representation.

5.4 Environment Agency: No comment.

5.5 Force Designing Out Crime Officer 139



“There are no objections to the proposal in principle, nor the detail submitted. I wouldn’t see the location and use proposed as at high risk of offending, with a caveat towards some emerging trends and the unknown element of any high value or desirable artefacts to be kept on site.

It’s reassuring to see that reducing crime and anti-social behaviour are a continuing consideration within the application design brief.

I note from your pre-application advice that secure cycle storage is recommended, and this is fleshed out within the supporting travel plan, with a proposal for 10 Sheffield style stands in front of the building entrance.

There is an emerging trend for organised crime groups to be involved in the theft of high value and electric cycles, travelling over wider areas than the traditional urban hot spots and equipped with cutting equipment, so in that respect the use of open hoops would not generally be considered as secure for cycles left for more than a brief period.

It’s appreciated that the location proposed should not be accessible to vehicles, and is in view within the main movement area of the site, however, if on balance it is considered that cycle use is likely to be frequent, there is an opportunity to be one step ahead of this emerging trend, in specifying a more secure provision for cycles, and a higher quality provision for cyclists. This would usually take up more space than Sheffield type stands as a more secure provision would normally include enclosure, either collectively or individually. I would be happy to offer guidance in this area if needed.

The end user profile in terms of internally stored or displayed artefacts of value will clearly impact upon the security provision specified for the new centre. I would expect the applicants to be using their own sub-contractor for this provision, but as with cycle storage, I would be happy to help with specifics.”

## 5.6 Highway Authority

“The application seeks to demolish the existing centre buildings and replace them with a more modern facility including education facility and café. The applicant has provided a Transport Statement (TS) and Travel Plan (TP) to support their proposal.

The site access from Porter Lane is not a publicly maintained highway, although the Public Rights of Way network follow the access routes and through the site, the Local Planning Authority should pay regard to the specific comments offered by the Public Rights of Way officer and the need to provide additional clarification on signal arrangement under the bridge to ensure that it offers suitable protection and priority to pedestrians. It is recommended that details of the arrangement are provided before the new construction commences to ensure that it provides a deliverable and suitable design.

The applicant has engaged with the Highway Authority before the application was submitted and provided details within the TS to clarify the comments made.

The applicant considers that there will be a significant uplift in demand arising from the proposal, and table 4 in the TS considers the number of vehicle movements, this also assists



in considering the suitability of the increased car parking provision. Whilst there is not an hourly vehicle accumulation provided it is considered that there will be a spread in demand across a typical day and the proposed car parking levels are not disproportionate to the estimated number of vehicles.

The site has strong sustainable access potential being located immediately off the High Peak Trail and within reasonable cycling distances of several larger villages and public transport access. Equally education trips will use a coach resulting in single trip for many visitors. It has been identified that the existing bus stops need to be improved to ensure that there is a hard standing and suitable pedestrian connection and presently the arrangement is informally provided. A condition is therefore recommended to secure the bus stop improvement and pedestrian link, this is over and above the pedestrian works proposed.

It is considered that despite the projected increase in demands there will not be an impact on safety or capacity, and there are realistic alternatives to vehicle access.

The applicant has prepared a TP to encourage sustainable travel patterns. This has been reviewed by the travel plans officer and it is considered that improvements are needed, this can be addressed using a suitably wording planning condition. It proposes to utilise the Modeshift Stars programme to monitor and manage success, which is a welcome provision, however a planning obligation is needed to provide for the Local Authority monitoring function and therefore a Section 106 agreement or Unilateral Undertaking should be provided. The applicant is invited to discuss the contents of the travel plan with the Highway Authority in preparation for a future discharge of conditions application.

The Highway Authority considers that the application is acceptable and despite there being an increase in trips this will not have an unacceptable impact on highway safety or a severe impact on capacity. There is a choice of sustainable transport options to provide a realistic alternative to car trips, and in this instance a significant level of demand will be from schools and access will be by coach which is similar to current arrangements.

In order to ensure that pedestrians are catered for the applicant has proposed a series of interventions which impact on the rights of way network, notably safety measures under the existing bridge however details are needed to understand this arrangement and a condition is suggested to address this.”

The Highway Authority recommend planning conditions to agree details of the proposed signal scheme located surrounding the bridge carrying the High Peak Trail, provision of bus stop improvements and footway connections to Porter Lane and approval of a revised travel plan. The Highway Authority also recommend that a financial contribution is secured by planning obligation for travel plan monitoring.

## 5.7 Historic England

“Historic England provided advice on this scheme in our letter dated 21st December 2022. We highlighted the need for an assessment to consider the impact of the scheme upon the setting of the nearby Nether Ratchwood and Rantor lead mines scheduled monument, as per Paragraph 194 of the National Planning Policy Framework.

We welcome the assessment which has been now provided. This is a good document which has fully considered visual impacts as well as the relationship between the scheduled monument and its wider historic landscape. It has clarified the potential impact of the scheme and we support its conclusions. We have no objection to the proposals.

We also note and support the recommendations in the assessment regarding future tree management and opportunities for new interpretation.”

#### 5.8 Lead Local Flood Authority

No objection subject to planning conditions.

#### 5.9 Natural England

“No objection – subject to appropriate mitigation being secured.

We consider that without appropriate mitigation the application could damage or destroy the interest features for which Colehill Quarries Site of Special Scientific Interest (SSSI) has been notified.

In order to mitigate these adverse effects and make the development acceptable, a Geological Management Plan (GMP) is required to ensure the features of the site are considered and protected in the presence of the discovery centre.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.”

#### 5.10 DDDC Design and Conservation Officer

“The National Stone Centre, established in 1980, is partly within and partly outside the Middleton Conservation Area. The part of the site in question currently contains a large rectangular building (‘The Discovery Centre’) and associated areas on a man-made plateau adjacent to historic quarrying activity etc. Part of the site is within the SSSI and to the south-west is a scheduled monument.

The proposed development is the demolition of the current ‘Discovery Centre’ and its replacement with a much larger building comprising a café/restaurant, four classrooms, museum/exhibition space, shop, sanitary facilities, playground, open air ‘piazza’ and parking area. The new building is to be curved in plan-form with two projecting elements over the sloping land to the edge of the plateau. Its walls are to be limestone cladding (‘coursed & dimensional split-faced stone’), zinc cladding, exposed concrete soffit to overhang, grass roof and single-ply membrane roof covering or GRP, grey aluminium window/door frames. The roofs to the two projecting sections will have parapets which will conceal an array of solar panels.

The proposed design concept is modern/contemporary and the plan-form and shape of the building reflects its position on the edge of the plateau. The extensive use of stone cladding is a reflection of the limestone quarrying in which the site has a long history and that the building is within the National Stone Centre. It is considered that the proposed new building

is a contemporary architectural response to the site and context and in its proposed scale form and general design etc., will not constitute adverse harm to this part of the Middleton Conservation Area, subject to the approval (via conditions) and detailing of the external facing materials. It will be important, via conditions, that sample and sample panels of all external facing materials and all building details/components are approved in order to ensure that the drawn design & concept is transposed into a high quality and well detailed new building on the site. The design and detailing of the associated landscape will also be important to the setting and context of the new building.”

#### 5.11 DDDC Environmental Health

No response to date.

#### 5.12 DDDC Trees and Landscape Officer

“Trees

Some of the existing trees on the site are subject to statutory protection (conservation area) and some of the site is within an SSSI.

The site and its surroundings generally currently has a good level of tree cover with a range of typical local species and with a range of ages. In order to maintain the current character and appearance of the site and its contribution to the local landscape I recommend that a good level of tree cover is maintained and incorporated for the long term into the proposed development. It is particularly important to retain larger trees because their diverse contribution to amenity cannot be replaced quickly.

The submitted arboricultural report is not an Arboricultural Impact Assessment (AIA) to BS 5837 (2012) and so it does not provide sufficient information to allow assessment of the potential impact of the proposals to trees.

To facilitate an assessment of the potential impact of the proposals on these trees requires further information to be submitted. I recommend that the applicant should submit for approval pre-determination an AIA prepared according to the guidelines of BS 5837 (2012). This should include:

- a Tree Schedule to include all trees within 15m of the red line boundary of the site,
- a Tree Constraints Plan based on the existing layout of the site,
- a Tree Retention and Removals Plan based on the proposed layout of the site, and
- a Tree Protection Plan based on the proposed layout plan with specification for temporary tree protection fencing and/or temporary ground protection.

If the AIA indicates that development or site activity would encroach into the canopy extent or root protection area of any retained trees then I recommend that a detailed site specific Arboricultural Method Statement be submitted for approval. This could be required as a condition to a grant of planning consent.

Visual impact in the landscape

I have reviewed the submitted LVIA for this planning application and I agree with its conclusions that the proposals will be visible from some locations in the surroundings but will appear as a neutral-beneficial change within the landscape and will not be significantly more intrusive than the existing development at the Stone Centre.

### Biodiversity

The proposed development of the site involves loss of bramble and mixed scrub and a small area of mixed woodland and lowland calcareous grassland for the creation of additional car parking spaces and construction of the new building.

The proposed plaza space that would be developed on the location of the existing building (which would be removed) may be either a neutral grassland area (Option 1) or a paved surface treatment (Option 2). Whichever of these options is developed, there will still be the need for biodiversity improvements to be provided off site in order for the development to achieve a 10% net gain for biodiversity. These would be creation of grassland and improved woodland management at locations within the wider land ownership at the Stone Centre. The locations for these improvements are indicated in the Biodiversity Net Gain Assessment report. In my opinion these proposals relating to Biodiversity Net Gain are acceptable and should be required to be completed satisfactorily to discharge a condition to any grant of planning consent.

The on-site and off-site woodland and grassland habitats should be created and managed in accordance with the prescriptions in a Landscape and Ecology Management Plan (LEMP) to ensure they meet their appropriate target conditions. I recommend that the LEMP be submitted for approval to discharge a condition to any grant of planning consent.”

#### 5.13 DCC Archaeologist

No objection

#### 5.14 DCC Rights of Way

“I can confirm that Wirksworth Public Footpaths No. 2 and No. 4 run through the proposed development site, as shown on the attached plan. In addition, there is a restricted byway running through the site. This is a recent addition and so has not yet been properly digitised, although the approximate position is shown on the plan. Parts of Footpath 2 and Footpath 4 were upgraded to restricted byway, and some sections of restricted byway were new additions to the Public Rights of Way network. Part of the new restricted byway has recently been diverted, the approximate position of which is also shown.

In the layout plan submitted with the planning application, there is mention of the existing ‘footpath’ being ‘diverted to the back of the parking bays’. However, in that location Footpath 2 has now been upgraded to restricted byway. Also, if any Public Rights of Way need to be diverted to facilitate the development, the applicant should apply to your council for the requisite diversion. The applicant should be advised that an application can be submitted for the diversion of a Public Right of Way in advance of planning permission being granted.

Those sections of Footpath 2 and Footpath 4 that have not been upgraded to restricted byway are not clearly shown on the plans. It is also not clear how they will be treated during and after the development. In planning the incorporation of footpaths into a development, preference should be given to the use of made-up paths through landscaped or open space areas away from vehicular traffic. This is for the safety and enjoyment of path users. Footpaths 2 and 4 cross the restricted byway, so measures to ensure the safety of path users are particularly important in these places, and where routes are shared, such as where part of Footpath 2 now runs along the same line as part of the restricted byway, just south of the underpass. Also, it appears that the alignment of the used paths on the ground, differs from the legal alignment of the paths, in places. The legal lines of the paths must remain open and unobstructed at all times, and be suitably signposted for path users. More information is required about the intentions for these paths, including more details of the safety measures proposed, such as the traffic signals at the underpass.”

The Rights of Way Assistant advises that informatives are imposed upon any planning permission.

#### 5.15 Peak & Northern Footpaths Society

“I have no objections in principle to the application, although I do have a few concerns:

- (i) It is intended to divert at least part of Wirksworth FP2; this must be carried out by means of the making and confirming of a legal order.
- (ii) I hope that consideration will also be given to further diversion of the FP both N and S of the new building so that walkers are segregated from vehicular traffic wherever possible.
- (iii) Note that the route shown for FP2 on the drawings, labelled "Tactile paving for crossing facility to be installed" is not actually on the legal line of the FP - this must be sorted with the county council.
- (iv) The diverted and undiverted sections of the FP must be surfaced with the authority of the county council so that they are suitable for the increased number of walkers in ordinary footwear.
- (v) The traffic light controlled use of the underpass must give priority to walkers.
- (vi) Walking access along the route to be used for emergency vehicles must be safeguarded, preferably by means of segregation.
- (vii) The full legal width of FP2 must be unobstructed at all times during and after construction unless the FP is closed with a legal order and a suitable alternative route provided.
- (viii) All the public rights of way must be signed appropriately so that people know where they have a right to walk.”

#### 5.16 Derbyshire Dales Ramblers

“Ramblers Derbyshire Dales Group has no objection providing that:

##### A. General points:

- i) Rights of Way Wirksworth FPs 1, 2 & 3 remain unaffected at all times, including the path surface, both during and after any development
- ii) Consideration should be given to the safety of members of the public using the Right of Ways both before and during the proposed works

iii) Any encroachment of the paths would need consultation and permission with/from the DCC Rights of Way Team

## B. Specific points

iv) Under Landscape Assessment p. 12, there is reference to 'route of a restricted byway, which was recently diverted'. This, I understand, would run from the tunnel under the HPT and end just past the junctions of FPs 2 & 4. However, this diverted RB is yet to be shown on the online Definitive Map. It is essential that this is clarified asap, so as to be able to ascertain the correct RoW status and from this, any rights and restrictions for access.

v) I note there is also an ongoing DMMO claim to upgrade FP 2 north of the HPT tunnel (to the junction with FP 3) and the whole of FP 3 to Porter Lane. It would be beneficial to clarify the position of the claim

vi) I note that part of FP 2 to Porter Lane runs along the present access track. Diverting this onto either the proposed eastern side path or the existing separated western path would ensure walkers' safety

vii) The section of FP 2 from its junction with FP 3 to the HPT tunnel shows the FP running at the side and off the access track. However, there is presently vehicle parking spaces along this section. This is an obstruction of the RoW. PRow should be asked for consultation and advice to resolve this

viii) Pedestrian guide walking lines for the RoWs should be considered across the car park

ix) Any change to the narrow tunnel under the HPT should take into account walkers' safety. Other than 'emergency/construction access' (p.30), any other vehicle access should be restricted. The RoW is presently shown as a FP, upgraded to RB (?). Would this restriction apply to deliveries and those with disabilities only?

x) It is welcome that there are a number of additional paths and access across the NSC site"

## 6.0 REPRESENTATIONS RECEIVED

6.1 Three letters of representation has been received to date including a letter from Wirksworth Civic Society (WCS). One letter objects to the application while the other two generally support the proposed development but raise concerns. The material planning issues raised are summarised below:

- a) Insufficient information has been provided to show how the building would sit within the landscape. Recommend that a 3D model and photographic depictions are provided.
- b) Discrepancies between submitted plans and artist's impression.
- c) More information in regard to materials should be provided to ensure a high level of design.
- d) Would like confirmation that the current building will remain in use during construction.
- e) The proposed 'emergency' construction access from Ravenstor Road is sensible given the size of the arch. This could be retained for future use particularly by the Emergency Services, wheelchair and pushchair access from Wirksworth.
- f) Concern that construction traffic will cause a mess on Porter Lane.
- g) There will be more traffic onto Porter Lane which is a 50mph road. Query if the speed limit of the road will be looked at.
- h) Concern about the impact of the development upon highway safety.
- i) Submitted drawings are incorrect and do not show the correct route of the sewer which diverts off Old Lane, passing through land on the Ravenstor Road industrial estate and discharging to manhole 7702 on Cromford Road.

- j) The development would add considerably to the sewer loading.
- k) The sewer is only 150mm diameter, increasing to 225mm in the industrial estate.
- l) The sewer is an inadequate size to carry the resulting sewage.

## 7.0 OFFICER APPRAISAL

- 7.1 The application seeks full planning permission for the construction of a replacement mixed use discovery centre with associated landscaping, drainage and car parking.
- 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 the Adopted Wirksworth Neighbourhood Development Plan (2015).
- 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 (NPPF), the main issues to assess are listed below.
- Whether the development is acceptable in principle
  - Design, landscape impact and impact upon the character and appearance of the area
  - Impact on trees and biodiversity
  - Impact on cultural heritage
  - Sustainable building and climate change
  - Flood risk and drainage
  - Transport and Impact on highway safety
  - Impact upon the amenity of neighbouring properties

### Principle

- 7.4 Outside of defined settlement boundaries 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.
- 7.5 Policy EC8 is directly relevant to the proposals and supports development which promotes Peak District tourism or culture in sustainable locations, particularly where development would enhance existing facilities.
- 7.6 The site is located beyond the edge of Wirksworth and therefore is in the open countryside. Nevertheless, the National Stone Centre (NSC) is an established site and provides significant economic and social benefits to the local area while maintaining public access and understanding of our cultural heritage related to quarrying and lead mining. The site is also closely related and connected to Wirksworth by the High Peak Trail (HPT) and public rights of way and there are existing bus services on Porter Lane.
- 7.7 Therefore in principle the enhancement of the facilities at the NSC is supported and in accordance with policies S4 and EC8 and policy NP13 of the Neighbourhood Plan which encourages appropriate tourism development. The key issues therefore are related to the impacts of the development upon the site and the local area.

### Design, landscape impact and impact upon the character and appearance of the area

- 7.8 Policy S1 states that development should conserve and where possible enhance the natural and historic environment, including settlements within the plan area. Policy PD1 requires all

development to be of high quality design that respects the character, identity and context of the Derbyshire Dale's townscapes and landscapes.

- 7.9 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.
- 7.10 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.
- 7.11 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. Neighbourhood Plan policy NPA 2 provides more detailed criteria for the quality and character of development within the area.
- 7.12 The application site comprises land within the former quarry with man-made plateaus dropping through the site with limestone outcroppings framed by woodlands and mature trees. There are more distant views from the site to the wider countryside to the south, especially from the HPT which is elevated above the site and affords clear views over the existing discovery centre. The site lies within the White Peak Landscape Character Area (LCA). The southern part of the site (south of the HPT) is largely within the Limestone Slopes Landscape Character Type (LCT) and the northern part of the site is within the Limestone Plateau Pastures LCT reflecting the distinctive change in landscape from open pasture to steep limestone slopes. The site is not subject to any landscape designations; however, the site is located partially within the Middleton by Wirksworth Conservation Area (CA) and there are several public rights of way (PROW) within and in close proximity to the site.
- 7.13 The Limestone Slopes LCT is a landscape of small, nucleated limestone villages and dispersed farmsteads nestling within moderate to steeply sloping limestone slopes. Distinctive dry-stone walls enclose former open fields and semi-regular fields with a pastoral land-use. The Plateau Pastures LCT is a gently rolling, upland limestone plateau characterised by nucleated limestone villages, dry-stone walls, a pastoral land-use and open, expansive views. Pasture, and particularly dairying, is the dominant land-use in this landscape.
- 7.14 The application is supported by a Landscape and Visual Impact Appraisal (LVIA). The LVIA identifies the relevant LCA and LCT, and examines the value of the landscape and the impact of the proposed development.
- 7.15 The LVIA provides an assessment of the sensitivity of this landscape and it is considered that the site and immediate landscape is of medium landscape value and a low-medium sensitivity to the proposed development. The LVIA states that due to the benefits of the design compared to the existing built development that during operation (following completion) the development would have neutral / beneficial effect upon up landscape character which is characterised by large scale man-made change and in which large and industrial built form is a common element.



- 7.16 Impacts upon local visual receptors are also considered by the LVIA which concludes that the site is well contained within the NSC through steep slopes and craggy outcrops and naturally regenerating woodland. At distances of 0.5km or more the site become visible from elevated locations, particularly to the east where rising slopes allow for views across to the site from residential areas of the village and a small number of locations along the public footpath network and highway. Visual impacts of the proposed development are therefore considered to be very limited and beneficial compared to the existing development.
- 7.17 The proposed building would be significantly larger in floor space and volume compared to the existing discovery centre. The proposed centre would largely be given over to exhibition space with flexible classrooms along with ancillary café, retail, offices, storage and plant. The proposed design takes advantage of the sloping site by utilising a cantilever design over the limestone edge to provide additional floor space while maintaining a single storey scale to allow views over from the HPT. The proposed design therefore successfully assimilates a larger scale of development within the site in a manner which enhances both the immediate setting and wider landscape.
- 7.18 The proposed design would be of a high standard with a contemporary appearance and the plan-form and shape of the building reflects its position on the edge of the plateau. The extensive use of limestone cladding is appropriate and a reflection of the historic use of the site and that the building is within the NSC. The proposed building would be set within a landscaped area which utilises the existing levels, appropriate materials and incorporates public open space and play area.
- 7.19 Therefore, subject to planning conditions to secure agreement of appropriate architectural detailing, finishes, materials and landscaping the development would be of a high standard of design which would enhance the NSC, the wider area and landscape character in accordance with policies S1, S4, PD1, PD5 and NPA 2.

#### Impact on trees, biodiversity and geodiversity

- 7.20 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.
- 7.21 The application is supported by an Ecological Appraisal (EA), Reptile Survey (RS), Geodiversity Statement (GS), Arboricultural Report (AR) and Biodiversity Net Gain Assessment and metric (BNG).
- 7.22 The trees to the north and west of the site are subject to statutory protection by being within the Conservation Area. There are no trees subject to Tree Preservation Order (TPO) on the site or close enough to be adversely affected by the proposals.
- 7.23 The Tree and Landscape Officer advises that the site and its surroundings generally currently has a good level of tree cover with a range of typical local species and with a range of ages. In order to maintain the current character and appearance of the site and its contribution to the local landscape it is recommend that a good level of tree cover is maintained and incorporated for the long term into the proposed development. It is particularly important to retain larger trees because their diverse contribution to amenity cannot be replaced quickly.

- 7.24 The submitted AR is preliminary in nature but identifies that trees will need to be removed to facilitate the development. This includes a category C Pine, category C trees within two groups of trees and one category B Pine. The report makes recommendations on replacement planting and recommends that a formal Arboricultural Impact Assessment (AIA) be made to inform the development.
- 7.25 The Tree and Landscape Officer also advises that an Arboricultural Impact Assessment (AIA) be prepared and submitted prior to determination to inform the development. However, it is considered that there is sufficient information in the submitted application for the impact upon trees to be understood. The development will require the removal of trees associated with good management (not necessarily associated with the development) and as a direct result of the development. However, impact upon category A and B trees would be limited and subject to appropriate and comprehensive replacement planting the development would enhance trees on site in accordance with policy PD6.
- 7.26 If permission is granted planning conditions would be recommended to secure the submission of an Arboricultural Impact Assessment and Method Statement (as appropriate) along with conditions to secure comprehensive re-planting as part of a wider scheme of mitigation and enhancement measures.
- 7.27 The National Stone Centre is situated in an ecologically sensitive area, surrounded by the National Stone Centre Local Wildlife Site (LWS) and Colehill Quarries Site of Special Scientific Interest (SSSI). These sites are particularly important for calcareous grassland, open mosaic habitat and invertebrates, along with geological interest.
- 7.28 The footprint of the proposed development will encroach into the SSSI and LWS, resulting in some habitat loss. Whilst the Ecological Appraisal states that valuable habitat is not present in this location, the plans do indicate that calcareous grassland will be lost in this area. A large proportion of the proposed development will be located on existing developed ground, within the existing footprint of the Stone Centre, driveway, parking and playground. The main areas of habitat loss (grassland, scrub and woodland) will be immediately south of the existing terrace, either side of the entrance road north of the High Peak Trail and in an area to the west proposed for new parking spaces.
- 7.29 The development would result in a net loss biodiversity between 31.26% and 40.74 without mitigation. This includes losses of calcareous grassland, neutral grassland, mixed and bramble scrub and mixed and broadleaved woodland. In accordance with the requirements of policies S1 and PD3 a biodiversity net gain assessment has been undertaken and submitted with the application. The assessment proposes enhancement within the wider NSC site to grassland, mixed woodland and broadleaved woodlands which would result a minimum 10% net gain.
- 7.30 Having regard to the advice from Derbyshire Wildlife Trust (DWT) the application has demonstrated that, subject to planning conditions to secure avoidance measures, a Landscape and Biodiversity Enhancement Plan (LBEMP) a Construction and Environment Management Plan (CEMP) and an appropriate lighting scheme that it can be carried out in a manner that will not harm designated biodiversity sites or protected species and will achieve biodiversity net gain in accordance with policies S1 and PD3.
- 7.31 Following initial comments from Natural England the applicant has submitted additional information in regard to the precise position of the development. Colehill Quarries SSSI is designated for its geological features, which have national importance to geologists and their studies of the limestones and their fossils. These include Carboniferous limestones, which are variable in type and contain a rich assemblage of fossils. These reveal a number of distinctive reef environments existed in the area in late Devonian times. The SSSI is currently in favourable condition, as per the national target.

7.32 Natural England advise that due to the siting of the building away from any important geological exposures, there will be no significant impacts to the SSSI features from the building itself. However, Natural England advise that a Geological Management Plan (GMP) is required to cover the maintenance of the geological exposures. Therefore if permission is granted a planning condition would be recommended to secure a Geological Management Plan (GMP). Therefore the development will not harm the SSSI or geodiversity in accordance with policies S1 and PD3.

#### Impact on cultural heritage

7.33 Policies PD2 is 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) conservation areas, listed buildings, archaeological sites or heritage features and non-designated heritage assets.

7.34 The site is partially within Middleton Conservation Area and the site is located approximately 280m to the north east of the Nether Ratchwood and Rantor lead mines which are protected as a scheduled monument. Both the Conservation Area and scheduled monument are designated heritage assets. The Local Planning Authority is obliged to have special regard to the desirability of preserving scheduled monuments, their setting or any features of special architectural or historic interest which they possesses. The Local Planning Authority is also obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

7.35 The NPPF states that ‘the setting of a designated heritage asset can contribute to its significance. Historic England’s national guidance on the ‘setting of heritage assets’ (2015) states that “the setting of a heritage asset is the surroundings in which a heritage asset is experienced. Its extent is not fixed”. Furthermore, it states that the importance of setting lies in “what it contributes to the significance of the heritage asset”.

7.36 The proposed design concept is modern / contemporary and the plan-form and shape of the building reflects its position on the edge of the plateau. The extensive use of stone cladding is a reflection of the limestone quarrying in which the site has a long history and that the building is within the National Stone Centre. The proposed new building is a contemporary architectural response to the site and context and in its proposed scale, form and general design is appropriate in this context and will therefore conserve and enhance this part of the Conservation Area, subject to approval of details, landscaping and materials.

7.37 Following initial comments from Historic England an assessment of the potential impact of the development upon the scheduled monument has been submitted. The assessment concludes that the proposed development does not have any impact on the scheduled monument. The relative altitudes prevent a direct line of sight and the intervening woodland forms an effective screen. The development may also provide opportunities for new exhibitions and interpretation of the monument along with guided walks. This would raise awareness of the scheduled monument, its history and extent.

7.38 The proposed development would conserve and enhance the Conservation Area and the setting of the scheduled monument in accordance with policy PD2 and NPA 2 and the National Planning Policy Framework. These are public benefits which weigh in favour of the development.

7.39 The County Archaeologist has been consulted and advises that there the development would not impact upon below ground archaeology.

#### Sustainable building and climate change

7.40 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. Neighbourhood Plan policy NP 16 provides more detailed criteria for energy-saving standards within the area.

7.41 The application is supported by a Climate Change Statement which addresses mitigating global warming and adapting to climate change. The statement sets out a number of measures incorporated into the development including: retention and integration of trees and green space, achievement of biodiversity net gain, integration of rainwater / grey water harvesting systems, sustainable drainage, meet BREEAM 'very good' standard, use locally sourced and sustainable materials, natural ventilation, low powered lighting and appliances, heat recovery systems, solar voltaic panels, electric vehicle charge points, cycle storage and good connections for walkers, cyclists and public transport.

7.42 The climate change statement is comprehensive and holistically deals with a range of issues. The proposed development if implemented in accordance with the submitted statement would achieve best practice in terms of sustainable building and mitigating the impacts of climate change. The application therefore goes beyond the requirements of policies S1, PD7 and NP 16. These are public benefits which weigh in favour of the development.

#### Flood risk and drainage

7.43 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.

7.44 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.

7.45 The FRA includes a drainage strategy. The application proposes a Sustainable urban Drainage System (SuDS) designed to accommodate the 1:30 year rainfall event without any surface water flooding and capable of retaining the 1:100 year plus 40% climate change storm event without flooding any buildings. This is an appropriate means of dealing with surface water from the new impermeable areas created by the development to soakaways in principle and would potentially contribute positively to biodiversity.

7.46 Foul water would be conveyed to the main sewer by an existing sewer which serves the existing centre. Discharge to the main sewer is acceptable in principle and in accordance with Planning Practice Guidance. Concern has been raised in regard to the capacity of the

main sewer and access arrangements. This however is a private matter / matter for the statutory undertaker. The disposal of foul sewage to the main sewer is acceptable in principle and would mitigate risk of pollution of the water environment in accordance with policy PD9.

- 7.47 The Environment Agency (EA) and Lead Local Flood Authority (LLFA) have been consulted. The EA raise no objection to the development. The LLFA also raise no objection, subject to the imposition of planning conditions.
- 7.48 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 flood 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 to a surface water body.
- 7.49 Therefore, subject to conditions, the application does demonstrate that the development can be accommodated on site in accordance with policies S1 and PD8.

#### Transport and Impact on Highway Safety

- 7.50 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. Neighbourhood Plan Policy NP 19 provides more detailed criteria for provision for pedestrians and cyclists within the area.
- 7.51 The application is supported by a Transport Statement (TS) and Travel Plan (TP). The TS concludes that there are multiple pedestrian access options from different sections of the public highway. The TS also demonstrates that places as far away as Matlock and Carsington are accessible by bicycle. The site also benefits from being close to a number of public transport options on Porter Lane and Steeple Grange and the site is 3.3km from Cromford station.
- 7.52 The TS states that the development would result in an increase of 45 vehicles in the AM peak and 55 in the PM peak. However, in reality levels will be lower due to car sharing and use of other modes of transport. This level of additional traffic is considered to be low and would not result in a severe impact upon the road network.
- 7.53 The development would result in an increase from 48 parking spaces to 97 with additional spaces for disabled people, electric car charging points and cycle storage. The application also proposes to improve the pedestrian route from the NSC to the bus stops at Porter Lane. Given the narrow nature of the tunnel under the HPT it is proposed that emergency / construction access will be via the Ravenstor Road access to the south which would be cleared and widened to suit.
- 7.54 The Highway Authority have been consulted and consider that the proposed level of car parking is appropriate. The site also has strong sustainable access by foot, cycle and public transport. The development would be served by a safe access and would not result in an unacceptable impact upon the highway network. If permission is granted the Highway Authority recommend that planning conditions are imposed to secure details in regard to public rights of way, any signal arrangements under the HPT tunnel, bus stop improvements and pedestrian link. Revisions to the submitted TP are also recommended and these can be secured by planning condition. Funding for monitoring of the TP (a financial contribution of £3,750) can be secured by planning obligation.

7.55 Having visited the site and had regard to the submitted TS, representations and consultation response from the Highway Authority, the application has demonstrated safe access and that the development would not harm highway safety in accordance with policies S4 r), HC19 and NP 19.

#### Impact on amenity of neighbouring properties

7.56 The nearest neighbouring properties include the Derbyshire Eco Centre and Mount Cook Adventure Centre to the north. The nearest residential properties are beyond the former quarry to the North West and west.

7.57 The development would result in the erection of a larger discovery centre on the site along with the associated increases in activity at the NSC, vehicle movements and parking. However, given the distance to neighbouring properties the development would not be overbearing or result in any loss of privacy or light. The development would also be a sufficient distance from neighbouring properties where noise from vehicles, visitors and events would not result in any significant noise.

7.58 Therefore, subject to conditions the development could be accommodated on site without significant harm to the amenity of neighbouring properties in accordance with policies S1 and PD1.

#### Conclusion

7.59 The proposed replacement discovery centre would be of an appropriate size and scale and located in a sustainable and accessible location within close proximity to Wirksworth. The proposed development would be a high standard of contemporary design which would mitigate the impacts of climate change, conserve and enhance the site, the Conservation Area and other affected heritage assets while enhancing public access, enjoyment and education of geodiversity and biodiversity interests and cultural heritage at the National Stone Centre.

7.60 The application has demonstrated that the development can be accommodated on the site without harm to landscape character or the character and appearance of the area and that, subject to planning conditions, the development would enhance cultural heritage and biodiversity and conserve geodiversity interests. The development would not harm protected species or their habitat. The development would have safe and sustainable access and would not harm the amenity of neighbouring properties and satisfactory drainage provision can be secured by planning conditions.

7.61 The proposed development is therefore in accordance with relevant policies in the Adopted Derbyshire Dales Local Plan (2017) and the Adopted Wirksworth Neighbourhood Plan (2015). In the absence of any other material considerations the application is therefore recommended for approval.

## **8.0 RECOMMENDATION**

Approve subject to prior entry into planning obligation to secure funding for monitoring of travel plan and subject to the following conditions:

### **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 other than in accordance with the following approved plans and subject to the following conditions:

1209/P03 Rev A – Drainage Strategy  
1209/P04 Rev B – Site Plan  
1209/P05 Rev A – Level 0  
1209/P06 Rev A – Level 1  
1209/P07 Rev A – Level 2  
1209/P08 Rev A – Level Roof  
1209/P09 Rev A – Proposed Sections  
1209/P11 Rev A – Landscaping  
1209/P11 Rev A – Proposed Sections  
1209/P12 Rev A – Elevations  
1209/P13 Rev A – Elevations  
1209/P14 Rev A – Elevations

Reason:

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

3. No development shall commence until details of proposed finished flood levels and ground levels throughout the site have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

Reason:

To minimise the impact of the development upon the site and the wider landscape and in the interests of the proper planning of the area.

These details go to the heart of the planning permission and are required before the commencement of any development.

4. No development shall commence (including demolition, ground works, and 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";



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; and

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 first 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).

These details go to the heart of the planning permission and are required before the commencement of any development.

5. No development shall commence (including demolition, ground works, and vegetation clearance) until a Landscape and Biodiversity Enhancement and Management Plan (LBEMP) has been submitted to and approved in writing by the Local Planning Authority. 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 Net Gain Assessment and Biodiversity Metric and to achieve no less than a +10 % 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 6 of the submitted Ecological Appraisal (baker consultants, October 2022); and
- 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).

These details go to the heart of the planning permission and are required before the commencement of any development.



6. No development shall commence until a Geological Management Plan (GMP) has been submitted to and approved in writing by the Local Planning Authority. It shall include the following:
- a) Maintenance of the geological exposures;
  - b) The provision of safe access for inspection, examination and where appropriate collection of geological material as well as interpretation; and
  - c) Management of trees and obscuring vegetation on a periodic basis.

The GMP 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 conserve and enhance geological features in accordance with Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

These details go to the heart of the planning permission and are required before the commencement of any development.

7. No development shall commence (including demolition, ground works, and vegetation clearance) until an Arboricultural Impact Assessment (AIA) to BS 5837 (2012) and Arboricultural Method Statement (AMS) have been submitted to and approved in writing by the Local Planning Authority. The AIA shall include the following:
- a) Tree schedule to include all trees within 15m of the application site;
  - b) Tree constraints plan based on the existing layout of the site;
  - c) Tree retention and removals plan based on the proposed layout of the site; and
  - d) Tree protection plan based on the proposed layout plan with specification for temporary tree protection fencing and / or temporary ground protection.

The development shall be carried out in accordance with the approved details.

Reason:

In order conserve trees on and in close proximity to the site in accordance with Policy PD6 of the Adopted Derbyshire Dales Local Plan (2017).

These details go to the heart of the planning permission and are required before the commencement of any development.

8. No development shall commence (including demolition, ground works, and vegetation clearance) 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:
- a) Construction traffic routes, including provision for access to the site
  - b) Entrance/exit from the site for visitors/contractors/deliveries
  - c) Location of directional signage within the site
  - d) Siting of temporary containers
  - e) Parking for contractors, site operatives and visitors
  - f) Identification of working space and extent of areas to be temporarily enclosed and secured during each phase of construction

- g) Temporary roads/areas of hard standing
- h) Schedule for large vehicles delivering/exporting materials to and from site
- i) Storage of materials and large/heavy vehicles/machinery on site
- j) Measures to control noise and dust
- k) Details of street sweeping/street cleansing / wheel wash facilities
- l) Details for the recycling/disposing of waste resulting from demolition and construction works
- m) Hours of working, and
- n) 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).

These details go to the heart of the planning permission and are required before the commencement of any development.

9. Notwithstanding the approved plans, no development shall commence until a Management Plan for the Public Rights of Way on the site has been submitted to and approved in writing by the Local Planning Authority. The management plan statement shall include:

- a) Management of public rights of way during the construction period; and
- b) Retention of all public rights of way on their lawful position and alignment and incorporation into the development.

The development shall not be carried out other than in accordance with the approved Management Plan.

Reason:

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

These details go to the heart of the planning permission and are required before the commencement of any development.

10. No development shall commence 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) Flood Risk Assessment report prepared by Rodgers Leask Ltd (RLRE) Reference 22235-RLL-22-XX-C-001 Rev PO1, dated 14.10.2022 (including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team);
- b) Drainage Strategy Plan - Drawing No. 1209/PO3 Rev A, dated 01.08.22 (including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team); and
- c) 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 not be carried out other than 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 prior to the commencement of the development in accordance with Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

These details go to the heart of the planning permission and are required before the commencement of any development.

11. No development shall commence until a detailed assessment has been submitted 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 8 reference ID: 7-080-20150323 of the National Planning Practice Guidance. The development shall not be carried out other than in accordance with the approved details.

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. And to ensure that development will be safe from flood risk including from groundwater and natural springs in accordance with Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

These details go to the heart of the planning permission and are required before the commencement of any development.

12. No development shall commence until details indicating how additional surface water run-off from the site will be avoided during the construction phase have been submitted to and approved in writing by the Local Planning Authority. 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 Local Planning Authority, 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).

These details go to the heart of the planning permission and are required before the commencement of any development.

13. No attenuation pond shall be brought into use until such a time as it has been constructed in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. Any pond shall be designed and constructed in accordance with CIRIA SuDS manual C753 and an associated management and maintenance plan.

Reason:

To ensure that any 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 in accordance with Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

14. 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).

15. The development hereby approved shall not be occupied until the proposed signal scheme located surrounding the bridge carrying the High Peak Trail has been implemented in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The signal scheme shall thereafter be maintained throughout the lifetime of the development hereby approved.

Reason:

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

16. The development hereby approved shall not be occupied until a scheme of bus stop improvements and associated footway connections to Porter Lane have been implemented in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be maintained throughout the lifetime of the development hereby approved.

Reason:

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

17. Notwithstanding the submitted Travel Plan, the development hereby approved shall not be occupied until a revised Travel Plan (that promotes sustainable forms of access to the development site) has been submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall thereafter be implemented and updated throughout the lifetime of the development hereby approved.

Reason:

To reduce vehicle movements and promote sustainable access in accordance with Policy HC19 of the Adopted Derbyshire Dales Local Plan (2017).

18. The development hereby approved shall not be occupied until the proposed parking and turning spaces have been laid out and constructed in accordance with the approved plans or an alternative scheme which shall have first been submitted to and approved in writing by the Local Planning Authority. Thereafter all parking and turning facilities will remain available for their designated use throughout the lifetime of the development hereby approved.

Reason:

To ensure adequate parking provision and in the interests of highway safety in accordance with Policy HC19 and HC21 of the Adopted Derbyshire Dales Local Plan (2017).

19. Notwithstanding the approved plans, secure cycle storage facilities shall be provided before the first occupation of the development in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. Thereafter the facilities shall be retained for their designated use throughout the lifetime of the development hereby approved.

Reason:

To ensure adequate cycle storage provision and in the interests of highway safety in accordance with Policy HC19 and HC21 of the Adopted Derbyshire Dales Local Plan (2017).

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

- a) soil preparation, cultivation and improvement;
- b) all plant and tree species, planting sizes, planting densities, the number of each species to be planted and plant protection;
- c) grass seed mixes and sowing rates (for the site and the proposed green roofs);
- d) walls, fences and means of enclosure;
- e) pedestrian access and circulation areas;
- f) hard surfacing materials;
- g) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units);
- h) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

Reason:

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

21. 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 any dwelling or the completion of the development (whichever is 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 landscaped setting for the development and the protection of existing important landscape features in accordance with policy PD5 of the Adopted Derbyshire Dales Local Plan (2017).

22. No external lighting shall be installed other than in accordance with a detailed scheme which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of the character and appearance of the development and to minimise impacts upon protected species in accordance with policy PD5 of the Adopted Derbyshire Dales Local Plan (2017).

23. Prior to the construction of the superstructure of the development hereby approved a detailed scheme of measures to mitigate the effects of and adapt to climate change at the site (based upon the submitted Climate Change Statement) along with a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the approved measure shall be maintained throughout the lifetime of the development hereby approved.

Reason:

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

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

Reason:

To ensure a satisfactory external appearance of the development in accordance with policy PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

25. Details of the stone origin, type and proposed surface finish for the external surfaces of the proposed development shall be submitted, in sample form, to the Local Planning Authority and approved in writing before works begin on the stonework to the external surfaces. The development shall thereafter be constructed in accordance with the approved details.

Reason:

To ensure the use of appropriate materials in the interests of preserving visual amenity in accordance with policy PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

26. Concurrently with the submission of a sample of the walling materials, a 2 square metre sample panel of those materials and type of pointing (mortar mix and method of application) to be used shall be erected on site for inspection and approval by the Local Planning Authority before works begin on the stonework to the external surfaces. The

development shall thereafter not be carried out other than in accordance with the approved details.

Reason:

To assist in the selection of appropriate materials in the interests of preserving visual amenity in accordance with policy PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

27. The existing discovery centre shall be demolished and completely removed from the site within 3 months of either the completion or first occupation of the development hereby approved.

Reason:

To ensure that the existing discovery centre is removed to facilitate the comprehensive re-development of the site and in the interests of the character and appearance of the area.

## 9.0 NOTES TO APPLICANT:

This planning permission shall be read in conjunction with the accompanying legal agreement under Section 106 of the Town and Country Planning Act 1990 dated XX.XX.2023.

The Local Planning Authority has provided pre-application advice and discussed the application with the applicant during the course of the application. Additional supporting information has been submitted to resolve any issues and the application has been brought to the earliest possible planning committee meeting for determination.

The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. 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 £34 per householder request and £116 per request in any other case. The fee must be paid when the request is made and cannot be required retrospectively.

Advisory/Informative Notes (It should be noted that the information detailed below (where applicable), will be required as an absolute minimum in order to discharge any of the drainage conditions set by the LPA):

- 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](mailto: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.

#### Rights Of Way

- The footpaths and restricted byway must remain open, unobstructed and on their legal alignments. Where the used route on the ground differs from the legal line, these routes must also remain open and unobstructed until such time that the legal lines can be walked, and it can be established that the used routes have not also acquired rights.
- There should be no disturbance to the path surfaces without prior authorisation of the Rights of Way Section.
- Consideration should be given to the safety of members of the public using the paths during the works. A temporary closure of the 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 paths, and no fencing should be installed without consulting the Rights of Way Section.

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

1209/P02 Rev A - Existing Survey  
 1209/P03 Rev A – Drainage Strategy  
 1209/P04 Rev B – Site Plan  
 1209/P05 Rev A – Level 0  
 1209/P06 Rev A – Level 1  
 1209/P07 Rev A – Level 2  
 1209/P08 Rev A – Level Roof

1209/P09 Rev A – Proposed Sections  
1209/P11 Rev A – Landscaping  
1209/P11 Rev A – Proposed Sections  
1209/P12 Rev A – Elevations  
1209/P13 Rev A – Elevations  
1209/P14 Rev A – Elevations

Application form

1209/P15 Rev A - Sketches

1209/P16 Rev A - Sketches

1209/P17 Rev A – Sketches

Arboricultural Report October 2022

Assessment of Proposed Development Impact on Nether Ratchwood and Rantor Lead  
Mines Scheduled Monument

Biodiversity Net Gain Assessment February 2023

Biodiversity Net Gain Matrix

Climate Change Statement

Design, Access, Heritage and Planning Statement October 2022

Ecological Appraisal October 2022

Flood Risk Assessment – P22-325 Rev P01

Geodiversity Statement October 2022

Landscape and Visual Impact Appraisal – 4322 V1

National Stone Centre Reptile Survey 2022 – Derbyshire Wildlife Trust

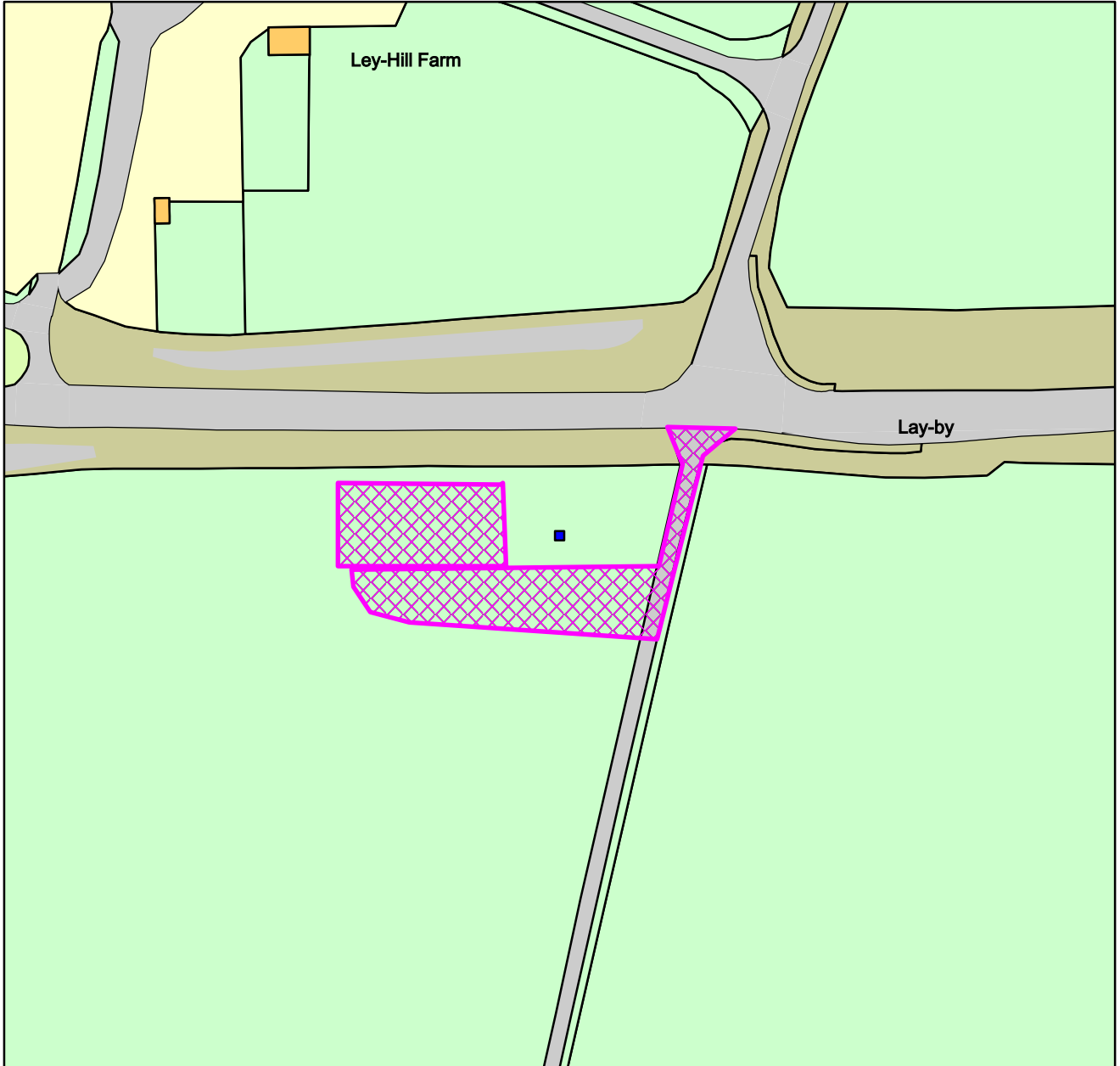
Transport Statement – P22-325 Rev P02

Travel Plan – P22-325 Rev P01

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22/01381/FUL

Land Opposite Ley Hill Farm Brocksford Doveridge Ashbourne DE6 5PA



Derbyshire Dales DC

Date: 30/03/2023

100019785

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

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<b>APPLICATION NUMBER</b>		22/01381/FUL	
<b>SITE ADDRESS:</b>		Land Opposite Ley Hill Farm, Brocksford, Doveridge, Ashbourne, DE6 5PA	
<b>DESCRIPTION OF DEVELOPMENT</b>		Proposed extension to existing agricultural storage building	
<b>CASE OFFICER</b>	Mr Joe Baldwin	<b>APPLICANT</b>	Mr David Bennett
<b>PARISH/TOWN</b>	Doveridge	<b>AGENT</b>	Mr Nigel Deville
<b>WARD MEMBER(S)</b>	Cllr Jacqueline Alison	<b>DETERMINATION TARGET</b>	15.03.2023
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	Called to committee by Local Ward Member	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	For Members to appreciate the site in context

<b>MATERIAL PLANNING ISSUES</b>
<ul style="list-style-type: none"> <li>- Principle of development</li> <li>- Impact character and appearance of the area</li> <li>- Highway safety</li> </ul>

<b>RECOMMENDATION</b>
That the application be granted subject to planning conditions

## 1.0 THE SITE AND SURROUNDINGS

- 1.1 The site is located on the southern side of Derby Road to the east of Doveridge. The site is currently open agricultural land with an existing agricultural storage building adjacent to the existing vehicular access off Derby Road. The boundaries to the site comprise existing tree and hedge planting.



## 2.0 DETAILS OF THE APPLICATION

- 2.1 Planning permission is sought for the construction of an extension to an existing agricultural building as set out on the submitted plans received by the Local Planning Authority on 19.12/2022. The proposed extension would be 30.5m (length) x 13.7m (depth) x 8m (height) and would be constructed using juniper green box profile sheeting and concrete panels. The southern elevation of the building would remain open.

## 3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

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

- S4: Development in the Countryside
- PD1: Design and Place Making
- PD2: Protecting the Historic Environment
- PD5: Landscape Character
- HC19: Accessibility and Transport

### 3.2 Doveridge Neighbourhood Plan (2018)

- D1: Design of New Development

### 3.3 National Planning Policy Framework (2021)<sub>172</sub>



#### 4.0 RELEVANT PLANNING HISTORY:

20/01037/FUL	Erection of agricultural building for the storage of straw and hay	Granted	08/12/2020
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#### 5.0 CONSULTATION RESPONSES

##### Doveridge Parish Council

5.1 Doveridge Parish Council notes that an application for 'erection of agricultural building for storage of straw and hay' was approved on 8th December 2020 under reference 20/01037/FUL, however we are aware that the barn does not appear to be used for these purposes. The main use seems to be for storage of large quantities of concrete for breaking up into hardcore. We are concerned that this is not the use stated on the original application and indeed it does not appear to be agricultural in nature. We have concerns that the existing use is of a commercial nature and we would not wish any extension to the barn to allow this 'non-agricultural use' to escalate. We feel that we must object to the current application on this basis.

##### Local Highway Authority (Derbyshire County Council)

5.2 There are no objections to the proposal from a traffic and highway point of view.

#### 6.0 REPRESENTATIONS RECEIVED

6.1 A total of 5 representations have been received, 4 in objection (3 non-attributable) to the proposed development and 1 in support (non-attributable), a summary of the representations is as follows:

##### In objection:

- The applicant is not currently using this site for its intended purpose, it is being used for a commercial crushing business.
- The site is within a conservation area, near 3 listed buildings.
- The site is creating dust, noise pollution, potential for hazardous dumping of waste and encouraging increased traffic of HGVs and dumper trucks.

##### In objection (Non-attributable):

- The site is within close proximity to 3 grade II listed buildings.
- The site not being used for agricultural purposes
- Concerns regarding highway safety.
- Fly tipping has occurred on site.
- The use of the site is causing noise and air pollution in the area.

##### In support (Non-attributable):

- The applicant (a farmer) should be able to extend and improve his facilities as required.
- Farmers are becoming few and far between, we should support the ones we have left.
- The objections do not hold water, the applicant uses his property for – hay, silage, sheep grazing, sheep handling, sheep handling, storage of hay and storage of machinery.
- The applicant only occasionally uses a machine to break down hardcore which produces minimal dust and noise.
- The existing shed can be barely seen due to tree coverage.

## 7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Principle of development
- Impact character and appearance of the area
- Highway safety

### Principle of development

- 7.1 Policy S4 (f) of the Adopted Derbyshire Dales Local Plan 2017 states that planning permission will be granted for development in the countryside where: "It comprises proposals for agriculture and related development which helps sustain existing agricultural and other rural based enterprises".
- 7.2 The information submitted alongside this application stated that the proposed extension is required because there has been a significant growth in the applicants farming business which had resulted in a requirement for additional storage of straw and machinery. Initially, having regard to the representations received and historical use of the site Officers had concerns that the site and existing building were not currently utilised for agricultural purposes and the existing building was sufficient to sustain the agricultural enterprise. Following these concerns the applicant has clarified that due to the drought of the previous year that the fields were grazed and not harvested and this was the reason as to why the existing building has not been fully utilised. The existing enterprise comprises 180 sheep and the applicant plans to increase the flock introduce a herd of cattle.
- 7.3 On the basis of the basis of the additional information provided by the applicants it is considered that a rational explanation has been given as to the use of the existing building. Furthermore the applicant has provided justification that demonstrates that the proposed extension would be reasonably necessary for the purposes of agriculture on the site. The principle of development is therefore in accordance with policy S4 of the Adopted Derbyshire Dales Local Plan (2017)/

### Impact on character and appearance of the area

- 7.4 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) states 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.
- 7.5 In this case, the site is located adjacent to Derby Road however the existing building and the wider site benefit from existing mature planting along the highway boundary which significantly reduces the visual impact of the existing building upon the local area. The development proposed comprises an extension to the existing building and would therefore remain well grouped with the existing building and area of hardstanding which has been created and would not appear isolated or intrusive within the countryside. The proposed juniper green profile sheeting proposed to be used in the construction of the extension would match the materials used in the construction of the existing building and are not uncommon

for agricultural buildings of this scale and in this area. Some concerns have been raised regarding the impact of the development on heritage assets. There are 3 listed buildings within approximately 400m of the site – Ley Hill Farmhouse (Grade II), Brocksford Hall (Grade II), and Lodge to Brocksford Hall (Grade II). Given the Distance to Brocksford Hall and the separation between the site and Ley Hill Farm by the existing planting and Derby Road, the site is not read in association with any of these heritage assets. The proposed extension to the agricultural building is not considered to result in any harm to the significance of these listed buildings or their setting.

- 7.6 The development is considered to respect the character and appearance of the countryside landscape and would be in accordance with policies S4, PD1, PD2 and PD5 of the Adopted Derbyshire Dales Local Plan (2017) and policy D1 of the Doveridge Neighbourhood Plan (2018) in this regard.

#### Highway Safety

- 7.7 Policy S4 of the Adopted Derbyshire Dales Local Plan (2017) states that planning permission will be granted in the countryside 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 states that the District Council will “seek to ensure that development can be safely accessed in a sustainable manner”.
- 7.8 The proposed extension to the building would be accessed via the existing vehicular access off Derby Road. Whilst some concerns have been raised by Local Residents with regard to the safety of highway users as a result of the development, the Local Highway Authority have raised no concerns in this regard. It is acknowledged that the extension would likely result in an intensification of the use of the existing access however this is not considered to result in any significant harm to the safety of highway users and would not warrant the refusal of planning permission in this case.

#### Conclusion

- 7.9 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) outlined above. 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 approved shall not be carried out other than in accordance with the following approved plans received by the Local Planning Authority 19.12.2022:

Site Location Plan

Block Plan

Proposed Plans and Elevations

Reason:

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

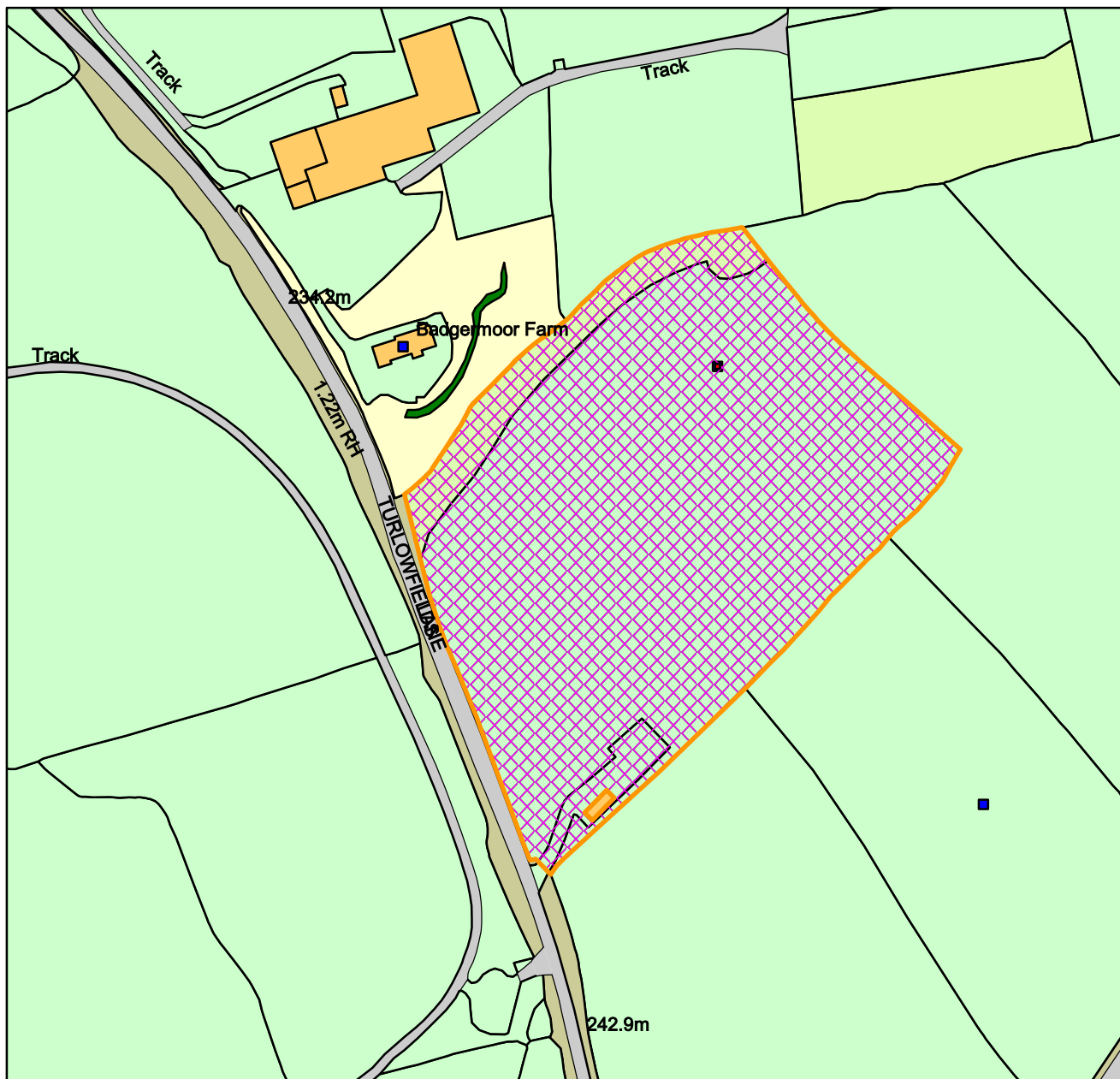
## **9.0 NOTES TO APPLICANT:**

The Local Planning Authority 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 whether there was a functional need for the additional storage space.

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.

23/00025/FUL

Land East Of Turlowfields Lane Hognaston Ashbourne Derbyshire DE6 1PW



Derbyshire Dales DC

1:2,500

Date: 30/03/2023

100019785

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website : www.derbyshiredales.gov.uk

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<b>APPLICATION NUMBER</b>		23/00025/FUL	
<b>SITE ADDRESS:</b>		Land East Of Turlowfields Lane, Hognaston, Ashbourne, Derbyshire, DE6 1PW	
<b>DESCRIPTION OF DEVELOPMENT</b>		Change of use of land for glamping site comprising the siting of 10no. bell tents, 10no. shepherd huts/timber pods, 4no. bathroom units, 2no. woodland lodges and operations comprising creation of a track, car park, ancillary buildings and associated landscaping.	
<b>CASE OFFICER</b>	Adam Maxwell	<b>APPLICANT</b>	Mr Phil Kerry
<b>PARISH/TOWN</b>	Hognaston	<b>AGENT</b>	Willis & Co. (Town Planning) Ltd
<b>WARD MEMBER(S)</b>	Cllr Janet Rose	<b>DETERMINATION TARGET</b>	25.05.2023
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	Major development	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	For Members to appreciate the site in context

<b>MATERIAL PLANNING ISSUES</b>
<ul style="list-style-type: none"> <li>• Whether the development is acceptable in principle</li> <li>• Visual and landscape impact of the development</li> <li>• Impact upon trees and biodiversity</li> <li>• Impact upon amenity</li> <li>• Impact upon highway safety</li> </ul>

<b>RECOMMENDATION</b>
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 The application site comprises the majority of the field some 2.5 hectares in an area of open countryside, off Turlow Fields Lane, Atlow. Access is via a gate at the south western corner of the field.
- 1.2 The site is bounded on all sides by native species hedgerows containing a number of mature trees. All hedgerows, but particularly those on the southern, northern and western sides are substantial and screen views into the field from the road and from neighbouring property to the north. There are structures on the site in connection with the former rabbit breeding and rearing enterprise. There is also a mobile home on site granted planning permission (ref: 17/00489/FUL) which has been unoccupied for some time.



## 2.0 DETAILS OF THE APPLICATION

- 2.1 The change of use of the land for glamping site comprising the siting of 10no. bell tents, 10no. shepherd huts / timber pods, 4no. bathroom units, 2no. woodland lodges and operations comprising creation of a track, car park ancillary buildings and associated landscaping. The application indicates that the site and existing building would also continue to be used for horticulture and storage ancillary to the proposed use.
- 2.2 The submitted block plan shows that the proposed woodland lodges would be twin unit caravans sited to the west of the site within existing planting adjacent to Turlowfields Lane. The shepherds huts and bell tents would be sited to the west of the site as shown on the block plan. No elevation drawings of the proposed shepherd huts / pods, bathroom units or bell tents have been submitted, however, photographs of examples have been provided. The block plan also shows that a new service track and turning head would be constructed and that an area for car parking would be allocated to the west of the site adjacent to Turlowfields Lane.
- 2.3 The submitted design and access statement says that all of the proposed tents, platforms, shepherds huts and shelters would be capable of being dismantled within a short time span. The tents would normally be packed away from the end of the October half-term holidays until the following Easter.

## 3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan (2017)  
S1 Sustainable Development Principles  
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  
PD9 Pollution Control and Unstable Land  
HC19 Accessibility and Transport  
HC20 Managing Travel Demand  
HC21 Car Parking Standards  
EC1 New and Existing Employment Development  
EC8 Promoting Peak District Tourism and Culture  
EC9 Holiday Chalets, Caravan and Campsite Developments

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

#### **4.0 RELEVANT PLANNING HISTORY:**

11/00104/FUL - Erection of agricultural barn for rabbit breeding and 3 no polytunnels – Refused

14/00438/CLPUD - Certificate of lawful proposed development - siting of caravan – Granted

17/00489/FUL - Erection of temporary agricultural workers dwelling and agricultural storage building – Granted

17/00489/AMD - Non-material amendment - Move position of agricultural storage building - Refused

21/00130/FUL - Erection of rural workers dwelling and agricultural/food production building – Refused - Appeal withdrawn

22/00961/FUL – Erection of temporary rural workers dwelling for a period of 3 years - Refused

#### **5.0 CONSULTATION RESPONSES**

##### **5.1 Hognaston Parish Council**

“The Parish Council agreed to object to the application for the following reasons:

- The applicant makes the claim that the development of a glamping field is farming diversification. This is misleading. There is currently no working farm on the site.
- The area is already facing the threat of over-commercialisation. The development of this site for tourism would set a precedent for future applications in what is a tranquil, rural setting.
- The site appears to be overdeveloped and overcrowded. The site is not big enough for the number of proposed accommodation plots.
- The development of a tourist site this close to Hognaston will increase traffic volumes in and around the village.

- The application makes no reference to on-site management or staff accommodation. As the applicant does not live nearby, there will be nobody to control activities or noise levels on the site.
- The application makes no reference to an agreed plan for sewage run-off or disposal.
- [REDACTED]
- [REDACTED]
- Better screening of the site is needed using more trees and bushes. The site will be clearly seen from the roadside, particularly overlooking the car park area. This will detract from the rural, countryside setting in which the field is located.
- There is no power supply to the site.

Hognaston Parish Council would also like to add that the applicant appears to have a driving ambition to secure a residential dwelling on this site. This is the third application submitted for this site in the past 2 years. We are also concerned that the applicant has not yet complied with previous enforcement or concerns raised by Derbyshire Dales District Council.”

#### 5.2 Environment Agency

No comment

#### 5.3 Natural England

No response to date.

#### 5.4 Derbyshire Wildlife Trust

No response to date.

#### 5.5 Local Highway Authority

No objection subject to planning condition to secure the implementation and maintenance of car parking facilities.

#### 5.6 Lead Local Flood Authority

No response to date.

#### 5.7 Trees and Landscape Officer

“Trees

Existing trees and hedgerows are located around the borders of the site and within the site, none of which are subject to statutory protection (Tree Preservation Order and/or conservation area). However, they may contribute to the character and appearance of the local landscape.

To facilitate an assessment of the potential impact of the proposals on these trees requires further information to be submitted.

I recommend that the applicant should submit for approval pre-determination an Arboricultural Impact Assessment (AIA) prepared according to the guidelines of BS 5837 (2012). This should include:

- Tree Schedule to include all trees within 15m of the red line boundary of the site,
- Tree Constraints Plan on a plan of the site as existing
- Tree Retention and Removals Plan on a plan of the site as proposed, and
- Tree Protection Plan with specification for temporary tree protection fencing and/or temporary ground protection.

If the AIA indicates that any development (including demolition, ground level change, services installation, excavation, surfacing, construction, etc) or site activity (including temporary access routes, storage areas, compounds, site offices, etc) would encroach into the canopy extent or root protection area of any retained trees then I recommend that a detailed site specific Arboricultural Method Statement be submitted for approval. This could be required as a condition to a grant of planning consent.

## Landscape

The site is located in open countryside and on the top of a gentle hill. There is potential for the proposals to have a significant impact on the visual amenity of the landscape. I recommend that further consultation is made with a Landscape Architect who will be able to assess the significance of this potential impact and make recommendations as appropriate.”

## 5.8 DDDC Environmental Health

No objection to this application in principle.

## 6.0 REPRESENTATIONS RECEIVED

6.1 Six letters of representation have been received to date objecting to the application. The material planning reasons for objection are summarised below:

- a) The development would result an increase in local traffic on narrow country lanes which would conflict with other road users.
- b) The site is located in an unsustainable location.
- c) The development would harm highway safety.
- d) The development would result in an increase in noise, light and air pollution.
- e) The development would harm the landscape of the area.
- f) The development would harm the character and appearance of the area.
- g) The development would harm biodiversity on site and in the local area.
- h) The development would set a precedent for similar development in the area.
- i) Farm diversification should not be seen as justified as there is no current established farming practices on this land which should remain agricultural.
- j) Insufficient information has been submitted with the application.
- k) Query if a site manager will be required.
- l) Lack of justification for an additional camping site in the area.

## 7.0 OFFICER APPRAISAL

### Principle

- 7.1 The site is located within the open countryside, therefore Local Plan Policy S4 is relevant. This states that planning permission will be granted for development where it represents sustainable growth of tourism or other rural based enterprises in sustainable locations where identified needs are not met by existing facilities. Policy EC1 provides support for proposals for new business development in sustainable locations that contribute toward the creation and retention of jobs and employment opportunities.
- 7.2 Policy EC8 deals specifically with promoting Peak District tourism and culture and supports new tourist provision and initiatives in towns and villages, and in the countryside through the reuse of existing buildings or as part of farm diversification, particularly where these would also benefit local communities and support the local economy.
- 7.3 Policy EC9 relates specifically to proposals for holiday chalets and caravan and campsite developments. Development will be permitted provided that:
- a) the development would not have a prominent and adverse impact on the character and appearance of the immediate and wider landscape;
  - b) any visual impact would be well screened by existing landscape features from areas outside the site to which the public has access for the whole of its proposed operating season;
  - c) any on-site facilities are of a scale appropriate to the location and to the site itself;
  - d) the site is in a sustainable location within, or in close proximity to an existing settlement with good connections to the main highway network, and the public rights of way network and/or cycleways, and is either served by public transport or within a safe attractive ten minute walk of regular public transport services;
  - e) the development would not adversely affect the amenity, tranquillity or public enjoyment of any adjacent area.
- 7.4 The site is located in open countryside south of Hognaston which is the nearest settlement. The site is approximately 2km south of Hognaston and 1.8km north of Hulland Ward (measured in a straight line). The site is elevated relative to the surrounding landscape, positioned on the top of a gentle hill. The site is approximately a 30 minute walk from Hognaston and a 25 minute walk from Hulland Ward along country lanes with no lighting or pavements.
- 7.5 Access to the site from the B5035 and A517 is along Turlowfields Lane, and Dog Lane which are rural, largely single track roads with no pedestrian footpaths. There is better access from the B5035 from Dam lane for vehicles but with no pedestrian footpaths. The site therefore does not have a good connections to the main highway network or the public rights of way network / cycleways.
- 7.6 The 111 Matlock to Ashbourne bus does stop close to the site 3 – 4 times a day, however it is considered clear that visitors to the site would be dependent upon the private car both to access the site and local services and attractions during their stay. The site is therefore not located in a sustainable location contrary policies S1, S4 and EC9 d). The creation of new glamping site in this otherwise remote and isolated location in the countryside, where visitors would be likely to be dependent upon the private motor car would constitute an unsustainable form of development which does not promote sustainable rural tourism nor would be a sustainable form of farm diversification contrary to policy EC10.

#### Visual and landscape impact



- 7.7 Policy S4 seeks to ensure that new development protects and where possible, enhances the intrinsic character and distinctiveness of the landscape, including the character, appearance and integrity of the historic and cultural environment.

- 7.8 Policy PD1 requires development to be of high quality design that respects the character, identity and context of the Derbyshire Dales townscapes and landscapes, development on the edge of settlements to enhance and/or restore landscape character, contribute 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.
- 7.9 Policy PD5 seeks to resist development, which would harm or be detrimental to the character of the local and wider landscape and requires developments to be informed by and sympathetic to the distinctive landscape character areas as identified in 'The Landscape Character of Derbyshire' and 'Landscape Character of the Derbyshire Dales' assessments. Development must conserve the setting of the Peak District National Park.
- 7.10 For the purposes of the adopted Landscape Character of Derbyshire assessment the application site is located within the Needwood and South Derbyshire Claylands landscape character area (LCA) and the Settled Plateau Farmlands landscape character type (LCT). This landscape is characterised by gentle rolling upland plateau extending onto ridge tops, densely scattered boundary trees and occasional small woodland blocks, small to medium fields surrounded by hedgerows, scattered red brick and blue clay tile roofed farmsteads and extensive views over lower ground. The landscape in and around the application site reflects this character.
- 7.11 The application site is generally well screened by mature trees and hedges around the boundary and within the site particularly along the western, southern and eastern boundaries. The proposed tents, caravans, structures and associated parked cars and activities on the site would generally be well screened by the existing planting. However, the proposed woodland lodges and car park would be visible from the lane through the planting, especially during the winter. The existing hedge planting along the northern / eastern boundary is also less significant and there would be elevated views into the site from footpaths in the local area and from the reservoir.
- 7.12 There are therefore concerns about how prominent the development would be in the local area and wider landscape, particularly given that the site is located on a gentle hill and how effective existing tree and hedge planting would be at screening the development. Officers have suggested to the agent that a Landscape and Visual Appraisal (LVA) be carried out and submitted so an objective assessment can be undertaken, however no response has been received at the time of writing. The site is overall well screened by established planting therefore, on balance, it is considered that the site could accommodate the development without harm to the character and appearance of the area or landscape character.
- 7.13 Given the limited information submitted with the application if permission were granted it would be necessary to impose planning conditions to agree details of the proposed caravans, structures and tents along with a scheme of landscaping.

#### Impact upon trees and biodiversity

- 7.14 As noted above there are a number of existing trees and hedgerows located within and around the boundaries of the site. None of the trees are subject to statutory protection, however they are likely to contribute to landscape character which is characterised by boundary and groups of trees. Furthermore, the existing trees and hedges are a key aspect of the acceptability of the site in terms of landscape and visual impact.
- 7.15 No tree surveys have been submitted with the application to assess the potential impact of the development upon trees. However, comparison of the existing and proposed block plans indicates that a number of existing hedgerows would be removed to facilitate the development.

- 7.16 Policy PD6 requires development to enhance and expand the District's tree and woodland resource and states that applications should retain and integrate trees, hedgerows or woodland of value wherever possible. From the information submitted with the application it is considered likely that the development will require the removal of trees and hedgerows. However, no information in regard to the value of affected trees and hedgerows has been provided.
- 7.17 The Tree and Landscape Officer has recommended that an Arboricultural Impact Assessment (AIA) and Method Statement (AMS) be submitted to evidence impacts and inform mitigation and replacement planting (as appropriate). In the absence of this information the application does not demonstrate that it would retain and integrate trees and hedgerows or be capable of providing appropriate replacement (where appropriate) contrary to policy PD6.
- 7.18 A Preliminary Ecological Appraisal (PEA) has been submitted and Derbyshire Wildlife Trust (DWT) have been consulted. No response from DWT has been received at the time of writing but any response will be provided as a late representation.
- 7.19 The PEA identifies the site as largely semi-improved neutral grassland with hedges and broad leaved woodland. The semi-improved grassland has limited potential to provide habitat for protected species. The hedgerow and woodlands provide the most suitable habitats for nesting and foraging birds. The submitted PEA notes that survey was conducted outside of the bird breeding season but that an old nest was noted to be present within the site. Trees on site are not suitable to support roosting bats and no suitable roosting features were found during the survey, however, they may provide some foraging opportunities.

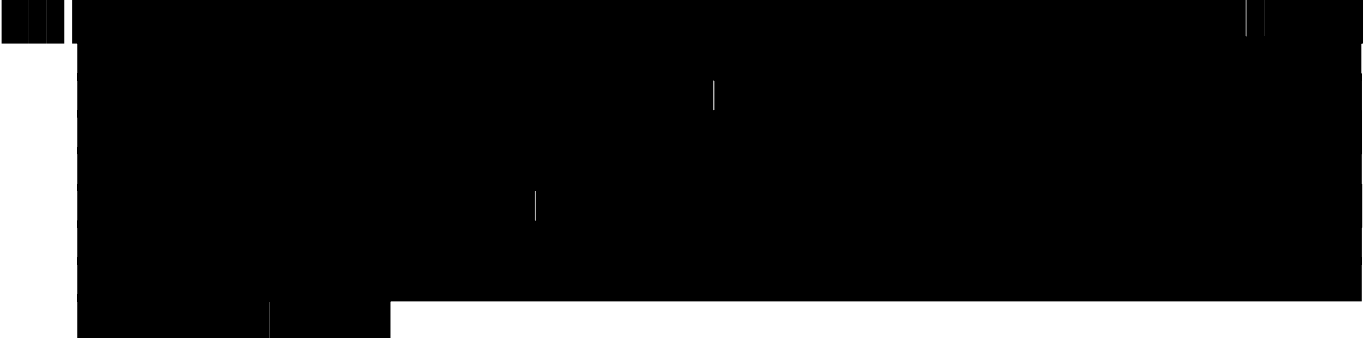
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- 
- 7.22 It is therefore concluded that subject to appropriate planning conditions that the development can be carried out without harm to protected species and that their conservation status can be maintained in a favourable range. Given the distance to any designated nature conservation site it is concluded that the development will not harm designated sites.
- 7.23 No biodiversity net gain assessment or matrix has been submitted with the application. The development would result in a relatively low impact but as outlined above the development would potentially result in the loss of hedgerows, trees and areas of grassland. Insufficient information has been submitted with the application to demonstrate that the development could achieve biodiversity net gain, however given the size of the site it is considered that appropriate replacement planting could be carried out in principle.

#### Highway safety and amenity

- 7.24 The site would utilise the existing access onto Turlowfield Lane. The Highway Authority has been consulted and raises no objections on the grounds of highway safety provided that the proposed parking facilities are provided and maintained. It is considered that the

development would be served by safe access and that the development would not harm highway safety. Sufficient parking could be provided on site in accordance with adopted local standards and this could be secured by planning conditions.

- 7.25 Notwithstanding concerns about the sustainability of the site, the development would provide a limited number of pitches and while the local road network is rural narrow lanes and therefore sensitive to increases in vehicular traffic. Nevertheless, given the scale of the development additional vehicle movement would be limited and therefore unlikely to result in any significant adverse impact upon the road network or the amenity of road users.



### Other issues

- 7.27 Surface water would be to soakaways around the structures which is acceptable. The development is within Flood Zone 1 and therefore at the lowest risk of flooding. The development would not increase the flood risk to neighbouring properties. The application states that foul drainage would be to a package treatment plant(s). Given the distance to the main sewer it would not be practicable or viable to connect, therefore disposal to a package treatment plant is acceptable in principle to conserve the water environment and mitigate pollution in accordance with policy PD9. If permission were granted a planning condition would be recommended to secure a treatment plant to be installed and operational before the first use of the development.
- 7.28 The development would provide tourist facilities which would likely contribute to the local economy and provide a full time job on the site. These economic and social benefits are welcomed in principle.
- 7.29 Policy PD7 states that the Council will promote a development strategy that seeks to mitigate global warming and requires new development to be designed to contribute to achieving national targets to reduce greenhouse gas emissions by reducing energy consumption and providing resilience to increased temperatures and promoting the use of sustainable design and construction techniques to secure energy efficiency through building design. The application is supported by a completed climate change checklist but proposes very limited measures to mitigate the impacts of climate change. The proposed structures would however be constructed from timber which could be sourced from sustainable locations and the site could incorporate measures to mitigate energy and water consumption. If permission were granted a planning condition could be imposed to secure a scheme of climate change mitigation measures.

### Conclusion

- 7.30 The development of a glamping site, in this otherwise remote and unsustainable location within the countryside, would promote an unsustainable form of rural tourism where users of the facility would be heavily reliant on the private motor vehicle for access. Insufficient information has been submitted with the application in regard to impact upon trees and hedgerows.

- 7.31 Subject to planning conditions the development would not harm landscape character, the character or appearance of the area, biodiversity, highway safety or the amenity of neighbouring properties. The development would result in benefits to the local economy but these would not override or outweigh more fundamental concerns about the unsustainable nature of the site.
- 7.32 Taking the above into consideration the application is not in accordance with the Adopted Derbyshire Dales Local Plan (2017). Relevant policies are up-to-date and in accordance with the National Planning Policy Framework (NPPF). In the absence of any further material considerations indicating otherwise, the application is recommended for refusal.

## **8.0 RECOMMENDATION**

- 8.1 The site is located in a remote location in open countryside not served by public transport. Therefore visitors to the site would be likely to be wholly reliant on the private car to access the site. The proposal therefore would not be a sustainable form of rural tourism and contrary to policies S1, S4 and EC9 of the Adopted Derbyshire Dales Local Plan (2017).
- 8.2 Insufficient information has been submitted with the application to assess potential impacts of the development upon trees and hedgerows contrary to policy PD6 of the Adopted Derbyshire Dales Local Plan (2017) and the National Planning Policy Framework.

## **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.

This Decision Notice relates to the following documents:

Application form

Existing Block Plan – PK/JH/101/1

Location Plan – SC/BCH/01

Lodge Type A Design Details – L188/SITE/06 Rev A

Proposed Block Plan – PK/JH/101

Aerial Image

Climate Change Checklist

Dancover Bike Storage ProShed

Flood Risk Assessment

Lyndon Top – Various images of structures and infrastructure

Link to camping pod spec BRETA

Marsh Ensign 30 Person Sewage Treatment Plant – MARSH30PE

Preliminary Ecological Assessment

Letter from Willis & Co. – CP/Kerry



**NOT CONFIDENTIAL** - For public release

PLANNING COMMITTEE – 11<sup>th</sup> April 2023

**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	Upheld with modification - 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 Dismissed – copy of appeal decision attached
22/00455/FUL	The Grove, Brunswood Lane, Hulland Ward, Ashbourne	WR	Appeal Dismissed – copy of appeal decision attached
22/00590/FUL	Cobscroft, Trough Lane, Hulland Village	HH	Appeal being processed
22/00986/CLPUD	Ashbourne Touring and Camping Park, DE6 3HF	WR	Appeal being processed
22/00008/OUT	Land off Biggin View, Hulland Ward	WR	Appeal being processed
22/01243/FUL	Hilltop Barn, Derby Road, Ashbourne	HH	Appeal being processed
22/01085/FUL	Brackendale, Ashbourne Road, Brassington	HH	Appeal being processed

ENF/2021/00044	Darley Moor Motor Cycle Road Racing Club Ltd, Darley Moor Sports Centre, Darley Moor, Ashbourne	WR	Appeal being processed
22/01020/FUL	The Walsage, Roston, Ashbourne	WR	Appeal being processed
22/01159/CLPUD	Meadow View, The Row, Main Street, Hollington	WR	Appeal being processed
Central			
21/00927/FUL	43 St Johns Street, Wirksworth	HH	Appeal being processed
22/00893/FUL	34 Castle View Drive, Cromford	HH	Appeal Allowed – copy of appeal decision attached
22/01133/FUL	2 Ashtree Close, Matlock	HH	Appeal being processed
22/00772/OUT	Land opposite The Homestead, Whitworth Road, Darley Dale	WR	Appeal being processed
22/00648/VCOND	21 Imperial Road, Matlock	WR	Appeal being Processed

WR - Written Representations  
IH - Informal Hearing  
PI – Public Inquiry  
LI - Local Inquiry  
HH - Householder

**OFFICER RECOMMENDATION:**

That the report be noted.



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## Appeal Decision

Site visit made on 7 February 2023

**by J D Clark BA (Hons) DpTRP MCD DMS MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 24 March 2023**

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**Appeal Ref: APP/P1045/D/22/3310059**

**34 Castle View Drive, Cromford, Derbyshire, DE4 3RL**

- 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 Andy Sykes against the decision of Derbyshire Dales District Council.
  - The application Ref 22/00893/FUL, dated 29 July 2022, was refused by notice dated 26 September 2022.
  - The development proposed is described as "*form first floor extension above existing ground floor garage. Proposed remodelling of exterior to upgrade insulation and form contemporary dwelling*".
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### Decision

1. The appeal is allowed and planning permission is granted to form first floor extension above existing ground floor garage. Proposed remodelling of exterior to upgrade insulation and form contemporary dwelling at 34 Castle View Drive, Cromford, Derbyshire, DE4 3RL in accordance with the terms of the application, Ref 22/00893/FUL, dated 29 July 2022, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
    - *Location Plan – 1:1250 & 1:500.*
    - *Drawing Nos: - 2213 02-00 1; 2213 03-00 1; 2213 06-00 3; 2213 07-00 3; & 2213 08-00 3.*

### Preliminary Matters

2. The Council states that the Conservation and World Heritage site boundaries run parallel with the A6 to the north-east of the appeal site. No details of these boundaries have been submitted but the A6 lies some distance away from the appeal site and its relationship to a Conservation or World Heritage site are not referred to in the reason for refusal and so I have not assessed the appeal on the basis of any heritage implications.
3. Trees in the adjacent Carr Wood are protected by a Tree Preservation Order but the Council's arboricultural assessment concluded that the nearest trees are sufficiently far enough away as to not be affected by the proposal. I have no reason to disagree with this.

## **Main Issue**

4. The main issue is the effect of the proposal on the character and appearance of the area.

## **Reasons**

5. The appeal site comprises a detached house and the land around it located at the end of a cul-de-sac. To the east the site adjoins Carr Wood which has limited public access but is accessible from the appeal site. The site is situated on land rising from north to south with the nearest neighbouring house on the opposite side of the road, No 1 Castle View Drive being lower than the appeal site and the adjacent woodland dropping away towards the A6.
6. A terraced rear garden rises steeply upwards and the flat roof to the existing garage at the side of the house is accessible from the garden. This has railings around it and provides an elevated terrace. The upper level of the rear garden provides a higher level grassed terrace. The existing house is brick built and constructed in the mid 1970's. The other dwellings in the cul-de-sac are also finished in similar brick and roofing materials and appear to date from around the same time.
7. The proposal would extend above the garage and feature a large glazed area to enable the appellant to enjoy the views over the valley. The appearance of the house would also be significantly altered by the proposed modern alterations to its external facing materials which would render the lower levels of the house and add timber or composite cladding to the upper floor. The concrete roof tiles would be replaced with new tiles with a slate appearance. Window frames, doors and soffits would also be replaced with anthracite upvc.
8. The proposed extension would be a substantial addition to the house and as it would be at first floor level it would be visible from Castle View Drive. As the house is located at the head of the cul-de-sac, the extension and the new facing materials to the rest of the house would be fairly prominent. However, although the extension would be substantial, it would not be so large or intrusive as to adversely affect the general design, scale or form of the existing dwelling. Also, although the proposed render and cladding would alter the external appearance of the house, it would not unduly harm the general character of the area or the street scene.
9. Furthermore, whilst the feature window with its large area of glazing would introduce a new feature that is not typical in the cul-de-sac, it would face down the valley and be most prominent from the windows and garden of the neighbouring house opposite, No 34, which appears to have its main habitable rooms window on the other side of the house overlooking the valley. It would also be visible from Carr Wood but as stated, this seems to have limited access. From further afield any views of No 34 would be distant ones and set against the backdrop of rising land.
10. Given the above, the proposal would not conflict with Local Plan<sup>1</sup> Policy PD1 which seeks to ensure that new development respects the character, identity and context of the Derbyshire Dales townscapes and landscapes, amongst other things. It would also be consistent with the aims of the Council to support proposals for extensions to residential properties provided that they meet the

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<sup>1</sup> Derbyshire Dales District Council Adopted Derbyshire Dales Local Plan, 7 December 2017.

criteria set out in Local Plan Policy HC10 including, that the plot size is large enough to accommodate the extension and its height, scale, form and design is in keeping with the original dwelling.

11. For the above reasons, I conclude that the proposal would not have a harmful effect on the character and appearance of the area.

### **Conditions**

12. I have considered the suggested conditions in the light of the Planning Practice Guide<sup>2</sup> and a condition requiring the development to be carried out in accordance with the approved plans is required for the avoidance of doubt and in the interest of proper planning. However, a condition suggested by the Council requiring the materials of construction to match the existing house would conflict with the submitted plans as it is clear that the works to the exterior of the house would introduce new render and cladding. Such a condition would not therefore be appropriate and given that the materials are described on the submitted plans no other condition in relation to these is necessary.
13. The appellant has suggested a condition requiring the installation of solid wood vehicular and pedestrian gates. However, the intention of these would be to reduce the public view of the proposed extension but as I have found no harm with the appearance of the extension, I see no reason to screen it. In any event, I have no information as to what height or what the appearance of such gates would be so I do not propose to impose such a condition.

### **Conclusion**

14. For the reasons given above I conclude that the appeal should be allowed.

*J D Clark*

INSPECTOR

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<sup>2</sup> Planning Practice Guide, Published 6 March 2014, 23 July 2019.

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# Appeal Decision

Site visit made on 6 December 2022

**by J D Clark BA (Hons) DpTRP MCD DMS MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 24 March 2023**

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**Appeal Ref: APP/P1045/W/22/3304058**

**Ashbourne Lodge Care Home, 80 Derby Road, Ashbourne DE6 1BH**

- 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 G Hudson of James Hudson (Builders) Ltd against the decision of Derbyshire Dales District Council.
  - The application Ref 21/01000/FUL, dated 31 July 2021, was refused by notice dated 28 February 2022.
  - The development proposed is erection of 9 bungalows.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The proposal is described on the decision notice and on the appeal form as the erection of 9 elderly persons bungalows in connection with the adjacent care home. However, the application form refers to the development as the erection of 9 bungalows and indicates that they would be market housing. I have considered this appeal on the basis of the scheme applied for on the application form and clarified by the appellant in the appeal documents.

## Main Issue

3. The main issue is whether the number of dwellings proposed makes efficient use of the site having regard to the development plan, in particular Local Plan<sup>1</sup> Policy HC2.

## Reasons

4. The appeal site comprises land linked to Ashbourne Lodge Care Home and mainly used as a car park. The care home is a large two-storey building with its main car parking area in front of the building. Access to the appeal site and the care home is from the same access off Derby Road. The surrounding area is mainly residential in character comprising detached and semi-detached houses set back from the road although there is an industrial estate to the south of the care home.
5. Local Plan Policy HC1 states that the Council will ensure provision is made for housing and, amongst other things, will support the development of specific sites through new site allocations in the Local Plan. Policy HC2 identifies sites allocated for housing or mixed use developments. The appeal site is identified as the Former Mirage Hotel, Reference HC2(b). The appeal site differs slightly

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<sup>1</sup> Derbyshire Dales District Council Adopted Derbyshire Dales Local Plan, 7 December 2017.

in its shape and size to that identified in the policy<sup>2</sup> but the difference is relatively minor. The allocation states an indicative housing capacity of 20 dwellings on the site.

6. The appellant questions the Council's numerical prediction for the number of dwellings on the site and states that the Council's figure of 20 dwellings is over optimistic. He also assesses that the density suggested by the Council for this site is much higher than that for other allocated sites. From the annotated copy of Policy HC2 submitted by the appellant, the anticipated density for the appeal site would be high in comparison to the other sites listed. However, the 9 dwellings proposed would be lower than some of the other densities listed.
7. Having said this, I do not consider that a direct comparison is possible between sites as each will have site specific constraints. For example, I appreciate that the achievable density for the appeal site would be affected by matters such as the requirement for the existing access to be shared with the care home and a future development on this site may be affected by respecting the building line or setting any development back from Derby Road.
8. Notwithstanding these potential constraints, and taking into account that there may be other constraints, the evidence submitted with this appeal is not sufficiently robust to convince me that a higher density development, more in line with the site allocation could not be brought forward.
9. I note the reference to paragraphs in the Planning Practice Guidance regarding the effective use of land<sup>3</sup>. The Guidance quoted refers to evidence that can be used to help determine whether land should be reallocated for a more deliverable use and how local planning authorities can encourage best use of under-utilised land in the short term. However, I do not consider that either of these paragraphs support the proposal for less dwellings on an allocated site and so they have not had any bearing on my decision.
10. I consider that, in the absence of robust evidence demonstrating that the allocated number of dwellings cannot be achieved at the appeal site, accepting a development with significantly fewer dwellings would prejudice the delivery of housing in the district. Whilst I accept that failing to develop the site at all would mean that no houses came forward to contribute to housing in the area and the appellant's stated position on this, be that as it may, I do not consider that this demonstrates that there is no reasonable prospect of the site allocation being achieved. Under such circumstances, it would be premature to permit a significantly reduced number of houses on the site at this stage.
11. Moreover, due to the scale of the proposed development, it would not result in the provision of affordable housing or developer contributions as would be the case for a larger development, more reflective of the site allocation. This represents a missed opportunity to enable the requirement in the development plan and the Framework to make efficient use of land where the development would be sustainable especially given the potential number of dwellings identified in Policy HC2(b).

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<sup>2</sup> Former Mirage Hotel, Derby Road, Ashbourne – Site area = 0.41 hectares. Application form states site area = 0.36 hectares but the appellant states that this omits the shared access with the care home and is approximately 0.44 hectares. NB There is a typographical error in the appellants figures i.e. 4.4 and 3.6 hectares referred to.

<sup>3</sup> Planning Practice Guidance – Published 22 July 2019. Paragraphs 66-001-20190722 & 66-003-20190722.



12. Consequently, I attach significant weight to the proposals failure to satisfy the sustainable principles set out in Local Plan Policy S1 or support the suitable development of an allocated site as required by Local Plan policies HC1 and HC2.

### **Other Matters**

13. The Council does not have a five year supply of housing land as required by the National Planning Policy Framework<sup>4</sup> and so paragraph 11(d) of the Framework applies. Therefore, there is a presumption in favour of sustainable development. However, given the shortfall it is especially important that efficient use is made of those sites that have been specifically allocated in the development plan. Local Plan Policy S1 requires all development to seek to make a positive contribution towards the achievement of sustainable development. This will be achieved by making efficient and effective use of land, particularly land which has been previously developed.

14. The proposal would result in the development of 9 bungalows that would be designed as being suitable for elderly persons in terms of them providing functional accommodation on one level with a link to the care home. However, no substantive evidence has been submitted that there is a particular need for this type of accommodation and there is no mechanism in place that would secure their occupancy to elderly persons or to link them with the care home. These benefits therefore carry limited weight. Weighed against these limited benefits is the significant harm that arises from conflict with Local Plan policies S1, HC1 and HC2.

15. Taking the above matters into consideration, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, including policies to boost the supply of housing. The proposal does not therefore benefit from the presumption in favour of sustainable development.

### **Conclusion**

16. As stated, the proposal is contrary to a number of development plan policies and although the Council's five year supply land position means that some of the policies are considered out of date, the proposal is nevertheless contrary to the development plan when taken as a whole. There are no material considerations that indicate that the proposal should be determined otherwise in accordance with the development plan.

17. For the reasons given above, the appeal should be dismissed.

*J D Clark*

INSPECTOR

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<sup>4</sup> Ministry of Housing, Communities and Local Government National Planning Policy Framework, 2021 (the Framework).

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## Appeal Decision

Site visit made on 31 January 2023

by **D Wilson BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 20 March 2023**

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**Appeal Ref: APP/P1045/W/22/3307622**

**The Grove, Brunswood Lane, Hulland Ward, Derbyshire DE6 3EN**

- 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 & Mrs Adams against the decision of Derbyshire Dales District Council.
  - The application Ref 22/00455/FUL, dated 22 April 2022, was refused by notice dated 30 June 2022.
  - The development proposed is change of use of annexe associated with The Grove to separate dwelling.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is whether the appeal site is an appropriate location for the development proposed, with particular regard to accessibility and development plan policies.

### Reasons

3. The appeal building is located at the bottom of the large garden area of The Grove, which is a large, detached dwelling. The current lawful use of the appeal building is a residential annexe associated with the Grove. The appeal site is located outside of any defined settlement limit and is over 1km from the nearest village of Bradley.
4. The site is accessed by an unlit, single-track road with no pavements, as such, there is no indication that any alternative access to and from the site could be provided other than by motor vehicles. This would likely result in future occupiers of the development having a heavy reliance on private motor vehicles to access services and facilities.
5. I note that the appeal building is already in residential use as an annexe, however due to the nature of the lawful use there is a relationship with the main dwelling. As such, vehicle movements to access services and facilities will likely be less as they could be shared and visits will be more likely from mutual family members rather than those from an independent dwelling which would likely be more frequent, even though it would be associated with only one additional separate unit of accommodation.
6. The conversion of existing buildings outside defined settlement limits is permitted by Policy S4 of the Derbyshire Dales Local Plan December 2017 (LP)

providing that the conversion accords with Policy HC8 of the LP which requires that four criteria are met. In this instance, the appeal building is of a permanent and substantial construction, and the proposal would not require any alterations or works and would thus not harm the character and appearance of its surroundings. The other criteria relates to the existing building making a positive contribution to the character and appearance of its surroundings. However, given its simple, modern design, lack of architectural or historic interest, and the rural location in which it is set where other buildings are more traditional and rustic in nature, I find that the existing building is a neutral feature and thus cannot reasonably be described as positively contributing to the character and appearance of its surrounding. It therefore fails this criterion.

7. Whilst the appeal building is located within proximity of other dwellings, this is sporadic, and the site is in a distinctly rural area. The site is also located away from settlements with services and facilities and, as such, I consider it to be an isolated location. Leading to the creation of an isolated home in the countryside, the appeal proposal would therefore be inconsistent with paragraph 80 of the National Planning Policy Framework (Framework) unless it meets one or more of the listed circumstances. Although the proposal would re-use an existing rural building, the relevant circumstance defined in Framework relates to development which would re-use of redundant or disused buildings and enhance its immediate setting. As the appeal building is neither redundant nor disused, this circumstance does not apply.
8. Accordingly, taking into account all of the factors discussed above, I conclude that the appeal proposal would not be in an appropriate location, with particular regard to accessibility and development plan policies, contrary to Policies S1, S4, HC8, HC9 and HC19 of the LP. These Policies, amongst other things, promote development in locations which are accessible by foot, cycle or public transport with reduced reliance on the private car, seek to meet most development need within or adjacent to existing communities, ensure that development is appropriately located, and that it can be accessed in a sustainable manner.

### **Planning balance**

9. The Paragraph 219 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. Paragraph 80 of the Framework seeks to avoid the development of isolated homes in the countryside; and whilst there are some exemptions to the re-use of buildings, this relates to redundant or disused buildings which is not the proposal in front of me. Paragraph 112 a) seeks to give priority to pedestrian and cycle movements, and so far as possible, facilitating access to public transport. I see no fundamental conflict between these aims of the Framework and those of LP Policies S1, S4, HC8, HC9 and HC19 and, as such, the conflict between the proposal and these policies should, be given significant weight, despite the shortfall in housing supply
10. I have found that the proposal would be located in appropriate location, with there being a particular reliance on private motor vehicles to access services. In this regard, I have found that the proposal would conflict with Policies S1, S4, HC8, HC9 and HC19 of the LP which attracts significant weight against the scheme.

11. The Council does not dispute the appellant's contention that it is unable to demonstrate a five-year supply of deliverable housing sites in accordance with paragraph 74 of the Framework. As such, relevant policies for the supply of housing should not be considered up-to-date and paragraph 11d ii) should therefore be applied.
12. Paragraph 60 of the Framework refers to significantly boosting the supply of housing. However, the provision of just one additional unit would make little meaningful difference to the supply of housing in the district.
13. Paragraph 8 of the Framework refers to three overarching objectives to achieving sustainable development, economic, social and environmental objectives. The Framework however advises that they are not criteria for every decision to be judged against. Instead, planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account.
14. The proposal would provide some social benefit in terms of the provision of a new dwelling and contributing towards addressing the shortfall in housing land supply. It would also not result in any economic harm but nor would it result in any specific benefits in this regard. An isolated dwelling without access to services would however result in social harm and the reliance on a private motor vehicle would cause environmental harm.
15. I have no reason to conclude against the Council's assessment that the proposal would not cause harm to the character and appearance of the area. I recognise that the existing building also has its own utilities and access, and that proposal would not involve any internal alterations, however these matters are neutral and thus only attract limited weight.
16. Consequently, even if the shortfall is as the appellant suggests, the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The development would be physically isolated from settlements with facilities and services both in terms of distance and the absence of routes to them, or anywhere else, by means other than private motor vehicle. Therefore, the proposal would not be a sustainable form of development. The conflict with the development plan is not outweighed by other considerations including the Framework.

### **Conclusion**

17. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should not succeed.

*D Wilson*

INSPECTOR

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## Appeal Decisions

Site visit made on 26 October 2022

by **E Griffin LLB Hons**

an Inspector appointed by the Secretary of State

**Decision date: 7<sup>th</sup> March 2023**

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**Appeal A Ref: APP/P1045/C/22/3298576**

**Appeal B Ref: APP/P1045/C/22/3298577**

**Appeal C Ref: APP/P1045/C/22/3298578**

**View House, Hill Somersal, Somersal Herbert, Ashbourne, DE6 5PE**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. Appeal A is made by Samantha Jade Walker, Appeal B is made by Philip Stephen Walker and Appeal C is made by Neil Maurice Walker against an enforcement notice issued by Derbyshire Dales District Council.
- The notice was issued on 14 April 2022.
- The breach of planning control as alleged in the notice is Unauthorised building operations comprising the erection of a building for Hair and Beauty use under Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended) and the associated change of use of the land from Agricultural use.
- The requirements of the notice are
  - a) Cease the use of the unauthorised building and land
  - b) Permanently remove the building shown in the area shaded blue, from the land edged in red on the enclosed plan.
- The period for compliance with the requirements is 3 months.
- Appeal A is proceeding on the grounds set out in section 174(2)(a), (f), (g) of the Town and Country Planning Act 1990 as amended. Since Appeal A has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act. As the prescribed fees have not been paid within the specified period, Appeals B and C are made on grounds (f) and (g) only.

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### Formal Decision

1. It is directed that the enforcement notice be corrected by;-
  - Deleting the breach of planning control in full and substituting it with " the erection a building for hair and beauty use"
  - Deleting the words "and land" from the end of requirement a) in Section 5 of the notice.
2. Subject to these corrections, Appeal A is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out namely the erection of a building for hair and beauty use on the land at shown hatched blue in the notice, subject to the following condition:
  - 1) The building shall not be used other than for hair and beauty use by Samantha Jade Walker. It shall be used for no other purposes (including any other purposes in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or

without modification). At the cessation of the hair and beauty use by Samantha Jade Walker, the building shall be removed within 6 months of that cessation.

3. I take no further action in respect of Appeals B and C.

### **The Notice**

4. The allegation relates to a building constructed and in use as a hair and beauty salon. In addition to that operational development, the allegation also refers to an associated change of use of the land from agricultural use. The Council however subsequently confirmed that the allegation related only to the erection of a hair and beauty salon and does not extend to any use outside of that building. The allegation is therefore more precisely described as "the erection of a building for hair and beauty use."
5. The first requirement refers to ceasing the use of the unauthorised building and land. That requirement is imprecise when the current use of "the land" as shown edged red on the enforcement land includes residential and agricultural use. The requirements should flow from the notice and the first requirement can therefore be shortened by stating "cease the use of the unauthorised building." The parties considered that no injustice was caused to either party as a result of the amendments as the allegation is limited to the building and its use and was not intended to extend to any wider use of the appeal site. I will amend the notice accordingly.

### **Appeal A - the appeal under ground (a) and the DPA**

6. The deemed planning application (the DPA) under ground (a) derives directly from the allegation. The DPA is therefore for planning permission for "the erection of a building for hair and beauty use."

### **Main Issues**

7. The main issues are the effect of the development on the character and appearance of its countryside location and whether the development is in a sustainable location having regard to the likely use of the private car.

### **Reasons**

#### *Character and appearance*

8. Policy S4 of the Adopted Derbyshire Dales Local Plan (2017) (the Local Plan) refers to protecting the intrinsic nature of the landscape. Similarly, Policy PD5 of the Local Plan seeks to resist development which would be detrimental to the character of the local and wider landscape. Policy S1 of the Local Plan refers to conserving the natural environment and Policy PD1 of the Local Plan requires development to respect the character of the landscape and be of high quality design.
9. The appeal site is located within the countryside to the north of Hill Somersall and is made up of farm buildings, a field, a garden, an area of hardstanding for car parking as well as two dwellings. View House Farm is the original farm house and a subsequent barn conversion created View House Barn. The dwellings are at the front of the appeal site with the agricultural elements to the rear and a parking area is towards the centre of the appeal site. Access to the appeal site from the lane is between the two dwellings. The parking area is shared between the various uses and buildings. Hill Farm is located to the west



of the appeal site and there are two dwellings further along the lane to the east beyond the wooded garden area. The character of the area is distinctly rural with sporadic pockets of development.

10. Described by the Council as a garden room, the appeal building is rectangular and made of timber cladding and with 29 square metres of floorspace is relatively modest. The appeal building is located behind View House Farm and is separated from it by a tall hedge. There are no views of the building from the front of the appeal site. Given its location towards the centre of the appeal site, any views outside the appeal site are limited. The appellant has provided a photograph of the view from the entrance to Hill Farm which shows a modest top corner of the appeal building just behind View House Barn
11. The Council considers that its appearance is in contrast to the traditional red brick barn range. However, the presence of dwellings as well as farm buildings does mean that there is already a mix of building styles at the appeal site. Whilst the development is modest in size, largely hidden and is within an existing developed site that appears to have a mixed use. The appeal building does not in my view look incongruous or uncharacteristic in terms of appearance or design in its context. The development takes up a modest space of an area of hardstanding that is used for parking. The development does not harm the intrinsic character and distinctiveness of the landscape or fail to conserve the natural environment.
12. I do not therefore consider that the development does materially harm the character and appearance of the countryside location. For the reasons given, I consider the development does comply with Policies S1, S4, PD1 and PD5 of the Local Plan. I find Policy EC1 of the Local Plan to be less relevant to the issue of character and appear as it primarily addresses sustainable locations. Nevertheless, the use to which any new building is put in the countryside has to be assessed in terms of location and sustainability.

#### *Suitability of the Location*

13. Policy EC1 of the Local Plan supports proposals for new or expansion of existing businesses in sustainable locations. Businesses should be accessible in a variety of transport modes, promote opportunities for sustainable transport and seek minimal reliance on the private car. Policy S1 of the Local Plan refers to development making a contribution towards the achievement of sustainable development. The Council considers that the development is heavily reliant upon customers using private cars to get to and from the business which means that the development is unsustainable in the open countryside
14. The appellant works in the appeal building and lives at View House Farm and does not employ any other staff. She states that the average number of customers by car is 3 customers per day over a four and a half day week and she currently has eighteen customers. The size and location of the premises with the appellant as the only worker does mean that numbers are unlikely to increase. The maximum number of cars requiring parking at the same time is likely to be two with a short crossover. There is ample parking for two cars within the car parking area even allowing for the current uses of the site
15. Policy S1 of the Local Plan refers to minimising the need to travel and promoting development in locations where there is access to a range of facilities. However, the National Planning Policy Framework (the Framework)

acknowledges that decision making should take into account that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Paragraph 84 of the Framework states that planning decisions should recognise that sites to meet local business and community needs may have to be found beyond existing settlements and in locations that are not well served by public transport. In these circumstances, it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable.

16. Given the rural nature of the appeal site, it is not disputed that most customers are likely to travel by car. The appellant has provided details of the main bus routes and the distances to the nearest towns which are Ashbourne at just over 10 miles, Uttoxeter is around 6 miles away and Rocester is 5 miles.. A plan shows the home locations of customers with the majority of the customers live in a triangle of rural hamlets. In the event of the business being closed, these customers are not likely to be travelling by public transport to find a similar facility in any event.
17. The extent of the business being carried out is very modest and the amount of traffic generation arising from the business per day is around 3 return trips for customers to and from the salon. Whilst the salon building is not a live/work unit, there are some similarities with that concept and the appellant is not travelling to work by car. The appeal site consists of two separate dwellings and an agricultural use and an increase in 3 car trips per day is not significant in the context of the existing lawful uses of the appeal site.
18. The appellant's justification for the retention of the salon building in a rural location is solely based upon the appellant's particular circumstances in being able to work from home and provide a service. Conditions can ensure that the use is limited to salon use and that only the appellant runs the business. In the circumstances, I do not consider that the location of the development with its limited use is unsustainable to the extent that would warrant dismissing the appeal.
19. Taking into account all of the above and the fact that other means of travel other than the car is often limited in the countryside and subject to appropriate conditions, I consider the development does comply with sustainability objectives of Policies S1, and EC1 of the Local Plan. I find Policy S4 to be less relevant to the issue of sustainability in seeking to protect landscape character but it does in any event refer to facilitating rural community needs.

### **Other Matters**

20. The appellant has referred to the option to convert part of an existing agricultural building to salon use under permitted development rights The Council considers that the option has not been exercised to date and it not particularly relevant to the appeal. However, my assessment of the development on its own leads me to grant planning permission. It is therefore not necessary to consider as part of this appeal what weight if any can be attached to any alleged "fall back" position.
21. The assessment of fees for the DPA is an administrative function carried out by the Council and is not part of the remit of this appeal. If the appellant considers

that the appeal fee is incorrect, that is a matter for the appellant to pursue separately with the Council.

### *Conditions*

22. Any proposed condition has to be necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. The parties views upon conditions were sought during the course of the appeal as no proposed conditions were submitted as part of the appeal by the Council and the appellant did not suggest any in her evidence.
23. There is a potential issue in reconciling a specific use of a building by the appellant which is unlikely to be permanent and the retention of a permanent building. Originally, the Council was of the view that in the event of the existing salon use ceasing then the building should be demolished.
24. However, the parties subsequently suggested that it was appropriate for the building to be used for incidental purposes to either View House Farm or View House Barn or for both dwellings in the event of the use by the appellant ceasing and suggested wording. The suggested wording permitted both incidental use and hairdressing use from the grant of planning permission. The nature of the appeal means that I have no details of how the various elements of the appeal site are occupied and used or any justification for the need for incidental residential use for either or both dwellings. Drafting a condition to provide for those options is therefore difficult. The wording of the condition suggested by the parties does not meet the statutory tests largely due to trying to predict future events.
25. In the circumstances, a requirement to remove the building within 6 months of the cessation of the hairdressing business is not unreasonable and meets the required tests. As with any condition, the appellant can apply in the future to vary that condition in the event of a change of circumstances. Such an application would be assessed upon the relevant policies in force at the time and the information provided in support of that application.
26. Restricting the use of the building to the named appellant is in my view appropriate in view of the nature of the appeal. She provides a service to a modest group of no doubt loyal customers. It is necessary to restrict the use of the building to a hair and beauty salon only as this was the use applied for under the DPA and this is the use that has been specifically considered to be acceptable having regard to the circumstances of the site location.
27. As there is ample space in the car parking area to accommodate two cars, I do not consider that a condition requiring designated spaces for the development is necessary. Similarly, I do not consider that the construction of a hedge along the boundary with Hill Farm is necessary in view of the location of the building.

### **Conclusion**

28. For the reasons given above, I conclude that Appeal A should succeed on ground (a) and planning permission will be granted subject to the condition. The appeals on grounds (f) and (g) that form part of Appeal A as well as Appeals B and C do not therefore need to be considered.

*E Griffin* INSPECTOR

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## **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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