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Monday, 4 March 2024

To All Councillors:

As a Member or Substitute of the **Planning Committee**, please treat this as your summons to attend a meeting on **Tuesday, 12 March 2024 at 6.00 pm** in the **Council Chamber, Town Hall, Matlock, DE4 3NN**

Yours sincerely,

Helen Mitchell  
Director of Corporate and Customer Services

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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 **Monday, 11 March 2024**. A presentation with photographs and diagrams will be available at the meeting for all applications including those visited by the Committee.

### 1. APOLOGIES FOR ABSENCE

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

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

20 February 2024

## **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. 23/00463/FUL (Pages 13 - 50)**

Erection of 33no. dwellinghouses, vehicular access, public open space, drainage, landscaping and associated works at Land South of Mercaston Lane and East of Luke Lane, Brailsford.

### **5.2. APPLICATION NO. 23/00223/FUL - WITHDRAWN**

**Please note this Item has been withdrawn.**

### **5.3. APPLICATION NO. 24/00094/FUL (Pages 51 - 56)**

Single-storey rear extension at 5 Thorpe View, Ashbourne, Derbyshire, DE6 1SY.

### **5.4. APPLICATION NO. 23/01284/FUL (Pages 57 - 72)**

Change of use of 2no. agricultural building to commercial use (Class E, B2 and B8) [Part Retrospective] at Longford Hall Farm, Long Lane, Longford, Derbyshire.

## **6. APPEALS PROGRESS REPORT (Pages 73 - 82)**

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

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

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

**Nominated Substitute Members:**

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

**SITE VISITS**

Members are asked to convene outside Reception, at the front entrance of the Town Hall, Matlock at **9:50am prompt** on **Monday, 11 March 2024**, before leaving (**by coach**) at **10:00am** 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.

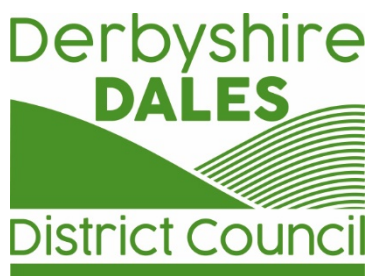
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**SITE VISITS**

<b>LEAVE OFFICE</b>		<b>10:00</b>
23/00463/FUL	Land South Of Mercaston Lane And East Of Luke Lane, Brailsford	10:40
<b>RETURN</b>		<b>11:50</b>

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## Planning Committee

**Minutes of a Planning Committee meeting held at 6.00 pm on Tuesday, 20th February, 2024 in the Council Chamber, Town Hall, Matlock, DE4 3NN.**

### PRESENT

Councillor - In the Chair

Councillors: David Burton, Peter O'Brien, Sue Burfoot, Robert Archer, John Bointon, Peter Dobbs, Nigel Norman Edwards-Walker, Stuart Lees, Laura Mellstrom, Dermot Murphy, Peter Slack, Nick Whitehead and Marilyn Franks

Present as Substitute - Councillors: Marilyn Franks

Chris Whitmore (Development Control Manager), Gina Huffen (Planning Officer), Tommy Shaw (Democratic Services Team Leader) and Angela Gratton (Democratic Services Officer)

Members of the Public – 9

### 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): Neil Buttle and David Hughes

### 324/23 - APPROVAL OF MINUTES OF PREVIOUS MEETING

It was moved by Councillor David Burton, seconded by Councillor Robert Archer and

### RESOLVED (unanimously)

That the minutes of the meeting of the Planning Committee held on 16 January 2024 be approved as a correct record.

The Chair declared the motion **CARRIED**.

### **325/23 - INTERESTS**

There were no declarations of interest.

### **326/23 - APPLICATION NO. 23/01310/FUL**

The Planning Officer gave a presentation showing details of the application and photographs of the site and surroundings. The property is located within the Wirksworth Conservation Area and is also covered by the Article 4 direction. The Planning Officer explained the Article 4 direction means that a lot of things people do to their land/property without planning permission requires a landowner to seek planning consent.

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

In accordance with the procedure for public participation, Mr Chris Tebb (Applicant), Paul Carr (Local Resident), Councillor Lucy Peacock (Ward Member) and Ms Mary-Anne Hooper (Local Resident/Chair Wirksworth Community Land Trust) spoke in support of the application.

Consultation responses were set out in section 5.0 of the report.

Correspondence received after publication of the agenda was distributed at the meeting. This comprised of further public comments in support of the application.

During debate the question was raised if the application was to be approved Members would have to consider the benefits outweighed the harm. Members considered there was less than substantial harm and a greater weight to reduce carbon footprint.

It was moved by Councillor Dermot Murphy, seconded by Councillor David Burton and

**RESOLVED** (unanimously)

That planning permission be approved subject to the following conditions:

1. When the panels come to the end of their life removal should be within 3 months.
2. Type and Colour.
3. Authority delegated to the Development Manager or Principal Planning Officer grant permission following the submission and approval of an appropriate ecological impact assessment, completion of any necessary surveys and to impose and recommended conditions to deal with mitigation.

The Chair declared the motion **CARRIED**.

### **327/23 - APPLICATION NO. 23/00916/FUL**

The 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 Peter Burns (On behalf of the Applicant) spoke in support of the application.

Consultation responses were set out in section 5.0 of the report.

Correspondence received after publication of the agenda was distributed at the meeting. This comprised of further comments in support of the application.

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

**RESOLVED** (unanimously)

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

The Chair declared the motion **CARRIED**.

### **328/23 - APPLICATION NO. 23/00684/FUL**

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

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

In accordance with the procedure for public participation, Mr James Carminke (Applicant) spoke in support of the application.

Consultation responses were set out in section 5.0 of the report.

It was moved by Councillor Nick Whitehead, seconded by Councillor Stuart Lees and

**RESOLVED** (unanimously)

That planning permission be approved subject to the conditions set out in section 8.0 of the report, following the completion of a unilateral undertaking to relinquish 7 tractor unit and 14 trailer unit operator licences and which covenants the landowner(s) not to obtain any additional licences in the future.

The Chair declared the motion **CARRIED**.

### **329/23 - APPLICATION NO. 23/01094/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, Mr Tony Aspbury (Agent) spoke in support of the application.

Consultation responses were set out in section 5.0 of the report.

Correspondence received after publication of the agenda was distributed at the meeting. This comprised of a summary of a letter received from Heatons on behalf of Trouw Nutrition GB at Blenheim House and a summary of a further letter received from the agents.

It was moved by Councillor Stuart Lees, seconded by Councillor Peter Dobbs and

**RESOLVED** (unanimously)

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

The Chair declared the motion **CARRIED**.

### **330/23 - APPEALS PROGRESS REPORT**

It was moved by Councillor Stuart Lees, seconded by Councillor Peter Dobbs and

**RESOLVED** (unanimously)

That the report be noted.

The Chair declared the motion **CARRIED**.

### **331/23 - APPEAL BY WOODALL HOMES - LOT 2, LEYS FARM, WYASTON ROAD, ASHBOURNE**

The Development Manager made Members aware that a letter from The Planning Inspectorate had been received regarding an appeal by Woodall Homes on the decision made by the Planning Committee on 12<sup>th</sup> December 2023 regarding Lot 2, Leys Farm, Wyaston Road, Ashbourne, Derbyshire DE6 1NB. DDDC are required to submit a statement giving full details of the case being put forward by DDDC to be submitted by 21 March 2024.

**Meeting Closed: 7.40 pm**

**Chair**



13

Ponds

Fiddler's Folly

GP

161.4m

Pond

Pond

Tank

SYCAMORE WAY

12

33

15

23

14 12

40

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<b>APPLICATION NUMBER</b>		23/00463/FUL	
<b>SITE ADDRESS:</b>		Land South Of Mercaston Lane And East Of Luke Lane, Brailsford	
<b>DESCRIPTION OF DEVELOPMENT</b>		Erection of 33no. dwellinghouses, vehicular access, public open space, drainage, landscaping and associated works	
<b>CASE OFFICER</b>	Chris Whitmore	<b>APPLICANT</b>	Cameron Homes Ltd
<b>PARISH/TOWN</b>	Brailsford	<b>AGENT</b>	Mr Stuart Wells, Evolve Planning and Design Ltd
<b>WARD MEMBER(S)</b>	Cllr Geoff Bond	<b>DETERMINATION TARGET</b>	15 <sup>th</sup> August 2023 (EOT agreed up to the 15 <sup>th</sup> December 2023).
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	Major application	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	For Members to appreciate the site, its context and to fully assess the main issues engaged

<b>MATERIAL PLANNING ISSUES</b>	
<ul style="list-style-type: none"> <li>• Whether residential development on this site is acceptable in principle</li> <li>• Landscape impact and impact upon the character and appearance of the area</li> <li>• Transport and impact on highway safety</li> <li>• Impact upon the amenity of neighbouring properties</li> <li>• Sustainable building and climate change</li> <li>• Flood risk and drainage</li> <li>• Impact on trees and biodiversity</li> <li>• Affordable housing, housing mix and developer contributions</li> </ul>	

<b>RECOMMENDATION</b>	
<p>That authority be delegated to the Development Manager or Principal Planning Officer to grant planning permission following receipt of no objections from Derbyshire Wildlife Trust and the Lead Local Flood Authority and the imposition of any conditions recommended and the completion of a s106 planning obligation agreement that secures the delivery of 10 affordable dwellings of an appropriate tenure (a minimum of 25% of which should be first homes), £138,089.35 contribution towards the provision of 3 infant and 4 junior places at Brailsford CE (Controlled) Primary School (and additional education facilities), £5613.30 to be used to upgrade or enhance existing children’s play facilities in the area and £1950.30 towards the delivery of allotments in the area or wider district and subject to conditions.</p>	

## 1.0 THE SITE AND SURROUNDINGS

- 1.1 The application site comprises agricultural land, some 1.77ha in area at the northern edge of Brailsford, adjacent to the Settlement Development Boundary. The site adjoins the recent Cameron Homes development to the south, known as Acorn Meadows.
- 1.2 The application site encompasses an existing area of public space, including an attenuation basin serving the adjacent development. The site lies immediately to the east of the Luke Lane and Mercaston Lane road junction.
- 1.3 The western boundary is defined by a hedgerow running alongside Luke Lane. The northern boundary is defined by an established hedge, beyond which is Fiddlers Folly; a detached dwelling. The eastern boundary again comprises a hedge, containing two mature trees protected by Tree Preservation Orders. Beyond the eastern boundary is open countryside.
- 1.4 To the south west of the site is Brailsford Church of England Primary School. In the vicinity of the application site are a network of Public Rights of Way which link to surrounding areas such as Brailsford Green to the south-west, Commonsides to the west, Muggington to the north-east and Pools Heads to the south.
- 1.5 The development site includes a minor ridge line, which comprises a high point in the landscape.

## 2.0 DETAILS OF THE APPLICATION

- 2.1 Following pre-application discussions and a period of public consultation, full planning permission is sought for the construction of 33 dwellings on the site. This includes 10 affordable dwellings (30% of the total provision).
- 2.2 The dwellinghouses comprise a mix of a mainly two-storey semi detached and detached dwellinghouses. At the northern end of the site it is proposed to construct two detached 2-bedroomed dwellinghouses. A further bungalow in the north eastern corner was originally proposed, however, this was considered to be too prominent in views on the approach to the village and has been omitted in the amended plans received. To compensate for the loss of this bungalow / residential unit a larger detached dwelling on site has been replaced with a pair of semis on plots 3 and 4. This has resulted in the following revised mix of open market housing:

No. of bedrooms	No. of dwellings
2	8
3	12
4	3

- 2.3 The affordable dwellings are grouped and centrally positioned within the site. It is indicated that eight units will be affordable rent dwellings, comprising 4 no. one bed, 2 no. two bed and 2 no. three bed dwellings. All properties meet internal floor space standards set out in the Nationally Described Space Standards.
- 2.4 Access to the site will be off the existing estate road (Blackthorn Close), which links to Sycamore Way and then to Luke Lane. Footways extend through the site and along Luke Lane to provide access by foot to the services and facilities within the village. Each dwelling will have off street car parking. The 2 no., 3 no. and 4 no. bed dwellings will have a minimum of two spaces. Amended plans have been addressed, which alters the layout



to address the comments received from the Local Highway Authority in respect of the original layout.

- 2.5 The proposed development will utilise and deliver 0.34ha of new public open space. This will comprise new areas along the western, northern and eastern boundaries, wrapping around the development. New tree planting around the periphery of the site and at the north eastern corner of the site is proposed. The two mature trees along the eastern boundary of the application site covered by Tree Preservation Orders (TPO) are to be retained and afforded protection. Amended plans have been received which realign the footpath in the northern corner so it is outside of the RPA of the trees to be retained.
- 2.6 The design of the dwellings will be consistent with the design of the houses on the adjoining development. The dwellings will be traditional in their appearance and detailing and will be faced in brick and tile. The development has been laid out so that the dwellings face outwards towards the site boundaries, with the main service roads internalised.
- 2.7 The application is accompanied by a Design and Access Statement, Transport Statement, Travel Plan, Flood Risk Assessment and Drainage Strategy, Ecological Assessment, Biodiversity Net Gain Strategy, Arboricultural Assessment, Tree Survey and Tree Schedule, Desktop Archaeological Statement, Landscape and Visual Assessment, Site Investigation, Affordable Housing Statement, Statement of Community Engagement and Climate Change Statement. These documents have been made available for examination and comment and circulated to consultees. They are referred to, where necessary, and pertinent in the officer appraisal section of this report.



### 3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

#### 3.1 Adopted Derbyshire Dales Local Plan 2017

- S1 Sustainable Development Principles
- S2 Settlement Hierarchy
- S4 Development within the Countryside
- S5 Strategic Housing Development
- S9 Rural Parishes Development Strategy
- S10 Local Infrastructure Provision and Developer Contributions
- PD1 Design and Place Making
- PD2 Protecting the Historic Environment
- PD3 Biodiversity and the Natural Environment
- PD5 Landscape Character
- PD6 Trees, Hedgerows and Woodlands
- PD7 Climate Change
- PD8 Flood Risk Management and Water Quality
- PD9 Pollution Control and Unstable Land
- HC1 Location of Housing Development
- HC4 Affordable Housing Provision
- HC11 Housing Mix and Type
- HC14 Open Space, Sports and Recreation Facilities
- 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 and Existing Employment Development

#### 3.2 Adopted Brailsford Neighbourhood Plan 2021

- H1 Housing
- GSL1 Green and Open Spaces
- TMA1 Traffic Management and Accessibility
- LW1 Landscape and Wildlife

#### 3.3 Other:

- The National Planning Policy Framework (NPPF) (2023)
- National Planning Practice Guidance (NPPG) 2024
- Climate Change Supplementary Planning Document (SPD) (2021)
- Developer Contributions SPD (2020)
- Landscape Character and Design SPD (2018)

### 4.0 RELEVANT PLANNING HISTORY:

16/00436/OUT	Outline application for residential development of up to 47 dwellings with associated access	PERC	18/08/2017
18/00711/REM	Approval of reserved matters for the erection of 47 dwellings (outline application 16/00436/OUT)	PERC	12/09/2018
19/00663/REM	Approval of reserved matters for the erection of 47 dwellings with revisions to	PERC	17/09/2019

site layout, a proposed additional turning area and alterations to house type 950 (Briar) (outline planning approval 16/00436/OUT and initial reserved matters approval 18/00711/REM)

## 5.0 CONSULTATION RESPONSES

### Comments on the Original Application

#### 5.1 Parish Council:

The Parish Council registered the following objections:

- The proposed development site is outside the agreed and published settlement and development boundary.
- The site was ruled as unsuitable for development in Local Authority assessments undertaken for the current approved Local Plan.
- The proposed site access for an additional 33 homes is at a location opposite the primary school with access onto Luke Lane - a Lane used frequently by HGVs travelling to the local quarry/aggregate plant and just off a sharp bend leading onto Mercaston Lane. This was the site of a recent HGV accident. This access is already used by car owners from 47 new properties.
- The 'in estate' access would be along a relatively small estate road often narrowed by parked vehicles.
- Luke Lane has significant usage at most times of the day and is often congested with parked vehicles, especially at school opening and closing times making visibility difficult especially at the bend.
- Reports from residents suggest that the existing estate - Acorn Meadows - is already experiencing drainage issues. The village primary school is already at capacity with some children being transferred to neighbouring schools. It would be unable to accommodate additional children from a new development.
- A key village amenity - GP surgery - is under threat - meaning that new residents would have no direct access to health services.

#### 5.2 Local Highway Authority:

General comments:

The refuse vehicle which has been tracked for the development, however it has not used the correct vehicle for this area, therefore the tracking should be redone using the Elite 6 refuse vehicle.

In accordance with paragraph 131 of the NPPF every street should be tree lined. The proposal does not include any street trees and therefore conflicts with the framework. The applicant is advised that all street trees should be located in the prospective highway.

Details of how the redundant turning head will be dealt with will need to be provided, this may involve alterations to any Section 38 agreements in place on the Blackthorn Close and what impact this will have on the visibility from the existing private drive, given it appears only a 1m margin is provided. The applicant should consider a raised table layout between the existing turning head to be removed and the next junction to the north to provide a speed treatment and pedestrian priority at the side roads. Visibility will also need to be demonstrated from proposed cul-de-sac off the Main Street with the splay lines contained within the prospective highway.

The vehicle access for plots 23 & 24 should be moved over to the end of the cul-de-sac to move the dropped kerb off the radius of the turning head, this will also require the parking spaces to be reconfigured.

Local evidence based on the 2011 census and following the parking requirements in the adopted local plan, shows car ownership in Brailsford for both 3 and 4 bedroom dwellings require 3 parking spaces as such the applicant needs to show additional external car parking spaces for those dwellings. Furthermore confirmation is needed that the parking spaces are 4.8m long x 2.4m wide with an additional 0.9m width based on the Homes for Life standard. Garages are not considered acceptable as parking spaces but can be used for cycle storage.

It is recommended that this application is not determined until the applicant has provided satisfactory revisions to the proposed drawings which address these matters.

Separate detailed comments have been received from the travel plans officer relating to the submitted Travel Plan. These give links to information and provide clarity on the scope of the plan.

### 5.3 Environment Agency:

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.

### 5.4 Trees and Landscape Officer (DDDC):

The site consists currently of an arable field devoid of trees on all but its boundaries. The boundaries include established mixed native hedgerow and 2 individual large oaks. The oaks contribute significantly to the character and appearance of the local landscape, with historic interest and significant amenity value. They are both subject to DDDC TPO. All existing hedgerows and both oak trees should be retained, appropriately protected from damage resulting from development and successfully incorporated into the proposed development for the long-term. The trees provide a diverse range of public benefits including ecological, visual, environmental and public health which must be retained and protected.

The current proposed site layout places development too close to both oak trees, necessitating change within and around their root protection areas and canopy spread. I object to this and suggest that the site layout be redesigned to remove all development and site activity from their root protection areas as a minimum. Preferably there should be a significant buffer containing no development at all well beyond (i.e. several metres) the drip line of the canopies, and the root protection areas, of these protected trees. They are relatively old trees and as such will be unlikely to be tolerant of disturbance to their rooting environment.

These trees have good potential to continue to develop into ancient or veteran trees which are considered to be irreplaceable habitat features. They already have some features of such trees. I disagree with the proposed pruning of the trees suggested in the Arboricultural Assessment report to remove deadwood from the trees. This provides valuable ecological benefit and should be retained. The site layout should be designed such that the area around the trees consists of open space with limited increase in land use intensity so that the potential risk presented by the deadwood, and the trees generally,

is controlled in this way. There is the risk that any development within the vicinity of these TPO protected trees will put them at risk of future pressure to prune or remove them to address perceived or real risk of branch or whole tree failure into developed land. This must be avoided by designing the site layout to provide a significant buffer of undeveloped land around them. I recommend that further information is required to be submitted for approval pre-determination:

1. A redesigned site layout that addresses my comments above.
2. A tree protection plan drawing to scale and with off-set distances between tree stems and temporary tree protection fencing clearly shown to aid correct setting out on site.
3. Specification of temporary tree protection fencing and associated signage.
4. A clearly set out sequence of events to indicate the timing of erection of the temporary tree protection fencing and its removal.
5. A third tree is shown in the Tree Retention Plan in the hedgeline to the south of T1 though no details regarding this tree were included in the tree survey.

This information should be submitted and the tree should be subject to similar protections as for the others. I recommend that further information is required to be submitted for approval to discharge conditions attached to any grant of planning consent:

1. A detailed site-specific Arboricultural Method Statement that demonstrates how any development works or site activity within the root protection areas and canopy spreads of retained trees and hedgerows would be completed without harm to the trees. However, it is very much preferred that all development and site activity to be moved well out of root protection areas completely. This is particularly important considering the high value and relative fragility of the 2 TPO oak trees at the site.

#### 5.5 Director of Housing:

I would make the following comments:

1. the proposed affordable homes are suitably located on the site
2. the floor areas detailed go some way to meeting the Nationally Described Space standards. The 1 bed units are satisfactory. It would be good to see the 2 bed 4 person homes and 3 bed 5 person homes getting closer to 79m<sup>2</sup> and 93m<sup>2</sup> respectively.
3. I'm assuming the 2 intermediate homes would be provided as First Homes.

#### 5.6 NHS Derby and Derbyshire Integrated Care Board / Joined up Care Derbyshire:

The development falls under our threshold for requesting a s106 contribution.

#### 5.7 County Council Policy (Development Contributions):

Education Authority:

##### *Primary Level*

The proposed development falls within and directly relates to the normal area of Brailsford CE (Controlled) Primary School. The proposed development of 33 (discounting 4 one bed) dwellings would generate the need to provide for an additional 3 infant and 4 junior pupils.

Brailsford CE (Controlled) Primary School has a net capacity for 119 pupils, with 123 pupils currently on roll. The number of pupils on roll is projected to increase during the next five years to 134.

An evaluation of recently approved major residential developments within the normal area of Brailsford CE Primary School shows no new developments amounting to an additional primary pupils.

### *Secondary Level*

The proposed development falls within and directly relates to the normal area of Queen Elizabeth School. The proposed development of 33 (discounting 4 one bed) dwellings would generate the need to provide for an additional 8 secondary including post 16 pupils.

Queen Elizabeth School has a net capacity for 1645 pupils with 1342 pupils currently on roll. The number of pupils on roll is projected to decrease to 1289 during the next five years.

An evaluation of recently approved major residential developments within the normal area of Queen Elizabeth School shows new development totalling 428 dwellings, amounting to an additional 120 secondary including post 16 pupils.

Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area secondary school would have sufficient capacity to accommodate the 8 secondary including post 16 pupils arising from the proposed development. Mitigation

### *Mitigation:*

The above analysis indicates that there would be a need to mitigate the impact of the proposed development on school places in order to make the development acceptable in planning terms. The County Council therefore requests financial contributions as follows:

- £138,089.35 towards the provision of 3 infant and 4 junior places at Brailsford CE (Controlled) Primary School + Education facilities.

### *Public Health and Adult Social Care*

The Older Adults Accommodation and Support strategy notes that in Derbyshire Dales, there is a need for age designated housing and that a focus on affordable accommodation is key. With regards to the above proposal, ASCH would like to note the following:

- The density seems very low: we note that a previous planning application was for 47 dwellings rather than the current proposed 33 dwellings.
- Most of the market dwellings are greatly in excess of the suggested national space standards, whilst the affordable dwellings barely meet them. With the proposed density, we are concerned that this is neither an efficient nor equitable use of land.
- Affordable housing for families is key to ensuring the sustainability of the domiciliary and residential care workforce, particularly in rural / semi-rural communities such as Brailsford. We would support more dwellings being included on the site, particularly affordable dwellings.
- The bungalow provision is limited to market accommodation and is bigger than some of the two-bed options; the one bed options are over two floors. We would welcome the one-bed dwellings being delivered as stacked bungalows, enabling accessibility to a wider variety of residents.

We would request that all dwellings meet the UK government's nationally described space standards to 'create places that are safe, inclusive and accessible and which promote health and well-being, with high standards of amenity for existing and future users.

An advisory footnote to encourage high speed broadband infrastructure delivery and the County Council also point to the monitoring fees applicable in relation to any obligations secured through legal agreement.

The County Council have also provided detailed technical comments on the application, covering sustainable development; housing land provision and supply; landscape and visual impacts; impact on biodiversity; highways impacts; public rights of way; sustainable travel; community benefits.

## 5.8 Derbyshire Wildlife Trust

We have reviewed the Ecological Appraisal prepared by FPCR, March 2023 as well as reviewing supporting documents for the development. I have also checked the Trust's biodiversity datasets and the previous details of the adjacent application in relation to biodiversity matters.

The proposed development does not have any nature conservation designations associated with it. The habitats present are arable and improved grassland which are typically of lower biodiversity value. The site is bounded by hedgerows and some trees are also present. The hedgerows are of high biodiversity value and meet the definition for Habitats of Principal Importance.

It is noted that the EA states under section 1.5 and 5.7 that a separate Biodiversity Net Gain (BNG) exercise is being undertaken for the site. As far as I am aware the results of this work have not been submitted to the Council as part of the consultation. It is important that the development demonstrates that it can achieve a net gain for biodiversity and offset the loss of habitats currently on-site in accordance with Local Plan policy and the NPPF.

The application is also accompanied by a Habitat baseline map and a proposed habitat map. The proposed habitat map includes an area of land that was set aside as part of the adjacent Acorn Way development (16/00436/OUT and 18/00711/RES). This land appears on the Ecological Enhancement Measures map (Figure 1 8442-E-01A) prepared by FPCR. This map includes a reference to the northern area 'to be left undeveloped and continue to be managed as agricultural land'.

The issue we are concerned about is that the SUDS attenuation, tussocky grassland and pond have already been created as part of the Acorn Way development and cannot be included as part of any post development habitats for the current development. The information submitted with the current information is ambiguous in this point.

### Great crested newt

Further surveys have been recommended for Great Crested Newt due to their presence in the area and the presence of suitable breeding ponds adjacent to the site. FPCR have also referred to the option of applying for District Level License (DLL).

### *Recommendations*

The proposed development is unlikely to have a significant negative impact on biodiversity in terms of designated sites or habitats of very high value. However, hedgerows may be impacted and this will need to be addressed in full. In addition, there is loss of arable and grassland habitats, and this should be quantified as part of the Biodiversity Net Gain assessment being undertaken by FPCR.

We would expect to see a completed Biodiversity Metric for the site that sets out losses and post development habitat creation<sup>23</sup> and enhancement. Any residual losses will need to

be taken account of through off-site measures. As stated above we do not think that the existing SUDS attenuation area should be included in these calculations.

We are not aware of any further reports on great crested newt having been submitted to the Council at this time or of any decision to apply for DLL. Further information is required by the Council to establish the approach being taken by the applicant with regard to this protected species.

Other protected species issues can probably be addressed through suitable mitigation measures which can be captured within a Construction Environmental Management Plan (Biodiversity) should the application be approved.

The Ecological Appraisal that I have reviewed has been redacted for badger so I will need to see an unredacted copy and provide comments on this species. We will be happy to respond further once we have sight of the Biodiversity Net Gain assessment being prepared by FPCR, further information on Great Crested Newt and an unredacted copy of the EA.

#### 5.9 Environmental Health (DDDC):

I have no objections in principle to this application, providing that the recommendations in the 2016 Geo Environmental report that “an intrusive investigation is completed before commencement of any development works to assess the actual contaminative status of the ground at the site”.

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

We are unable to provide an informed comment until the following is provided:

- An adjustment is made to the calculations to accommodate urban creep (10%)

and clarification is provided on the following:

- Upon review of the greenfield calculations included in the FRA, it was noted that UK SuDS produces much lower values for projected greenfield runoff rates – can the applicant confirm how they obtained their estimates, or adjust their strategy to account for the minimum discharge rate of 2l/s?
- We will also require confirmation that the Phase 1 drainage network can accommodate the extra discharge from the Phase 2 proposals. Urban creep 10% will still need to be accounted for in the new calculations.

#### Comments on the Application As Amended and Following Receipt of Additional Information

#### 5.11 NHS Derby and Derbyshire Integrated Care Board / Joined up Care Derbyshire:

The development falls under our threshold for requesting a s106 contribution.

#### 5.12 Environment Agency:

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.

#### 5.13 Brailsford and Ednaston Parish Council:

Object for the following reasons:

- The proposed development site is outside the agreed and published settlement and development boundary.
- The site was ruled as unsuitable for development in Local Authority assessments undertaken for the current approved Local Plan.
- The proposed site access for an additional 33 homes is at a location opposite the primary school with access onto Luke Lane - a Lane used frequently by HGVs travelling to the local quarry/aggregate plant and just off a sharp bend leading onto Mercaston Lane. This was the site of a recent HGV accident. This access is already used by car owners from 47 new properties.
- The 'in estate' access would be along a relatively small estate road often narrowed by parked vehicles.
- Luke Lane has significant usage at most times of the day and is often congested with parked vehicles, especially at school opening and closing times making visibility difficult especially at the bend.
- Reports from residents suggest that the existing estate - Acorn Meadows - is already experiencing drainage issues.
- The village primary school is already at capacity with some children being transferred to neighbouring schools. It would be unable to accommodate additional children from a new development.
- A key village amenity - GP surgery - is under threat - meaning that new residents would have no direct access to health services.

#### 5.14 Environmental Health (DDDC):

Do not wish to comment further.

#### 5.15 Local Highway Authority (DCC):

*Comments made on the 7<sup>th</sup> February 2024:*

The issues below have been raised directly with the applicants Transport Planner previously, however, do not appear to have been addressed within the amended details submitted.

- Refuse Tracking – I am not aware of the vehicle tracked on the southern development, however, the current vehicle used within Derbyshire Dales is the Elite 6, I have for your reference attached the specification and it is this vehicle which should be tracked.
- Street Trees – A plan showing what trees will be provided will need to be submitted, I believe that there is opportunity to provide street trees within the existing layout in build outs without conflicting with access points, I have attached a rough sketch showing potentially how trees could be provided within the existing layout. The NPPF requires all street to be tree lined, so if the applicant is unable to do this there should be a clear explanation provided which will need to be considered by both the LPA and Highway Authority.
- Turning Head – I appreciate what has been done on the western side and consider it should be replicated on the eastern side, whilst it can be cover within the S38/278 given it falls within the red line of this application site I would prefer for it to be shown within this application so it is clear what is intended.

Again the rough sketch attached shows potentially how this could be laid out and the provision of a build out will also improve the visibility from the private drive and would remove the need to provide additional visibility splay details.

In addition to the above, in terms of the raised table shown, an alternative layout as shown on the rough sketch may be more acceptable with the introduction of tree and an implied pedestrian priority at the western cul-de-sac.

By way of explanation, we consider there is benefit of it having the pedestrian and vehicle at different levels as keeping them at the same level on a raised table reduces the perception of pedestrian priority.

I hope that you appreciate that the attached is just a sketch, a rough plan of ideas which we hope will help to make further improvements to the scheme. Travel Plan – given the scale of this development I would consider a welcome pack within all new homes to be acceptable and I would be happy for this to be covered by condition, this would prevent the need to condition the travel plan itself.

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

Please hold the application in abeyance until the above details have been addressed.

*Following the submission of information to address the above the LHA made the following comments received on the 27<sup>th</sup> February 2024:*

It is disappointing that the proposal hasn't provided street trees, given they could be accommodated within the current design and would enhance the street scene.

However, it is not considered that an objection could be sustained in this instance.

The applicant should be aware that the layout of this proposal will impact on the turning head of the previous development which will require the previous Section 38 to be altered to reflect this.

The junction between plots 02 and 15 will need to be altered to a side road pedestrian priority junction, I am happy for this to be conditioned.

Conditions and advisory footnotes are recommended.

#### 5.16 County Council Policy (Development Contributions):

Confirm that their previous comments still stand.

### 6.0 REPRESENTATIONS RECEIVED

6.1 46 items of representation have been received, including from CPRE and the Derbyshire Swift Conservation Project, 3 commenting and 43 objecting to the proposals. There comments can be summarised as follows:

*Comments on the original application*

## Principle

- Shouldn't be building on greenfield sites in the countryside when there are brownfield sites available in Derby.
- The village feel of Brailsford will be eroded.
- The current proposed layout of the site is significantly different in both layout and types of housing from the brochure produced by Cameron and distributed to residents of Acorn Meadows for their feedback back in March.
- A previous application by Cameron Homes on this site for 20 homes was refused and now they want to build 33.
- Further development is against the Local Development Plan for the village.
- We do not want our estate any bigger.
- We would not have bought our house if we knew there was a phase 2 coming.
- Cameron Homes do not finish off their jobs properly.
- The village has already had a big increase in housing.
- We know that it is in the interest of Derbyshire Dales and all councils to have as many houses as possible built in their areas to fill their coffers. It seems that this is regardless of the long-term effects on the individual communities and that they are, therefore, not really listening to or seriously considering the views and genuine concerns of those within the community.
- The residents of the village want it to remain a village.
- Brailsford's population has doubled in the last 10 years.
- Outside the Brailsford settlement boundary.
- Consultation with residents has been poor and inadequate.
- Brailsford has taken more than its fair share of new housing.
- The builders of the original site have contributed nothing to Brailsford.
- The Old Dairy site at the bottom of Luke Lane is still not fully sold and occupied.
- There is not demand for more housing in Brailsford.
- Planning permission for the residential development of this site has already been rejected.
- There are concerns over the general quality of the development with many residents having outstanding issues with existing properties.
- Existing urban areas should be prioritised for housing developments to maximise the efficient use of land resources.
- The current development was always marketed and sold as 'Acorn Meadows'. Not, 'Acorn Meadows phase 1' with all knowledge of further development by Cameron Homes being withheld from customers by their sales team.
- Should include bungalows for retirement downsizing.

## Landscape

- The development has an urban design not suited for an area adjacent to wild countryside.
- Loss of views from neighbouring properties.
- Shows a lack of empathy and understanding of how the countryside works and their house designs, assumptions and plans are the same whether in cities or rural locations.
- Will destroy the village character, heritage, landscape and size.
- People choose to live in villages rather than small towns because they are characterful, intimate communities which appeal to many.
- Villages should not merely keep on growing until they become small towns.
- Will spoil the area.
- The site is good quality agricultural land in open countryside and should be preserved as such.
- The roofs of the new houses adjoining the proposed site that have already been built can be seen on the horizon from the footpath off North Lane.
- The proposed new development destroys the centuries old rural horizon landscape and is in breach of planning regulations.

- The site will blight the rural nature of the outlook for all the footpath users and residents of North Lane.
- The current landscaping arranged by Cameron homes is nothing but an area full of weeds, thistles and clover and a wildlife pond which is anything but.

### Highways

- Increase in cars on the road leading to danger to primary school children crossing Luke Lane
- Extra vehicles entering and exiting onto a main HGV route
- Increase in traffic congestion.
- Major concerns about road traffic and safety.
- Luke lane is already busy with traffic.
- There is a slight bend and blind summit coming up Luke Lane which causes visibility issues on the road.
- Objections to access arrangements and additional traffic through the estate.
- The current plans for access will cut across existing trim trail and walkways. This will be dangerous for local children playing out.
- Access directly opposite the school will increase danger to pupils and road users at school pick up/drop off times with cars parked picking up children.
- Sycamore Way and Blackthorn Close are narrow and unsuitable for heavy traffic to and from the proposed site. It will cause damage to pavements and roads.
- At the moment children can quite safely play in the close, without parents being fearful of traffic.
- I believe that the width of Blackthorn Close is below the legal limit. The width of the road is 5.1 metres wide.
- Just last week a lorry went into a hedge to avoid an accident.
- The developers have failed to ensure the current residents adheres to the covenants in place. Namely satellite/aerial not being in view of estate roads and the parking of commercial vehicles on estate roads and driveways.
- Luke Lane is already a hazardous road with multiple entry/exit points within a very short stretch.
- Signage and road painting should be improved and speed cameras installed across from the school.
- The quality of the main road has deteriorated in the last 3+ years due to increased traffic and poor maintenance.
- Inadequate parking for people taking their children to school.
- Footpaths not wide enough.
- Highways department has not adopted the roads and Severn Trent has not adopted the Drainage or Sewerage systems.
- Speed and traffic along Luke Lane is a current problem.

### Sustainability and Infrastructure

- No infrastructure for those with no cars
- The schools in the local area are full.
- GP surgery and pharmacy will not cope with additional people.
- We only have a small post office with limited supplies.
- Local children are already having to go to school in Derby as there are no school places available.
- Brailsford is very poorly serviced by public transport. There are no local taxis.
- Cycling along the A52 is dangerous.
- Walking along the footpath in some areas where it is narrow is dangerous.
- There is one bus per hour to Derby and one bus per hour to Ashbourne. Capacity maximum 60.
- There is uncertainty regarding the future of the GP surgery given that the management have handed their contract back to the ICB for re-procurement.

- There are scarce facilities in the village to support new residents e.g., retail or workplaces nearby, resulting in the fact that people will have to travel.
- Electric vehicle charging points are not readily available.
- The infrastructure cannot cope with the existing residents.

### Flooding and Drainage

- Concerns about flooding if green fields are built on.
- Concerns about drainage plans being inadequate.
- Foul drains - the main site is overloaded due to 1960's 6 inch drains exacerbating flooding in the village.
- The sewage treatment plant on the golf course is over capacity.
- There has been no investment in the sewerage infrastructure in Brailsford despite the village already trebling in size.
- The developers have already failed to provide adequate drainage to the existing properties, where the gardens get flooded during heavy rainfall.
- Local power, water and drainage currently overloaded this will cause further issues.
- Existing surface drainage at Acorn Meadows is extremely poor due to the heavy ball type clays and poor profiling of the site leading to "low points" that are surrounded by higher ground.
- Most surfaces show compacted impenetrable underlying clay strata and little topsoil, this leads to rapid run off.
- Standing water on both hard and soft areas is common after only moderate rainfall.
- The sewage treatment plant on Brailsford Golf Course is over capacity and emits foul smells.
- The existing estate already gets waterlogged.

### Biodiversity

- Concerns about the effects on wildlife and biodiversity
- The loss of more prime agricultural land must be avoided. Food production is more important now than ever.
- This area provides natural habitat for British wildlife which is within the 3rd largest declining population in the world.
- Migrating geese use this field to rest in and forage each year, there are nesting Curlew's in the wooded area bordering the proposed development.
- Claims around existing biodiversity are subjective as no evidence of a survey of existing diversity is provided.
- The development area is rich in wildlife.
- Adverse effect on the ecological balance of the area, and on conservation of the countryside environment.
- Many trees on the site already have preservation orders on them, and there is little doubt that much of the local flora and fauna would lose their habitat.
- Concerns about the large Oak trees on site.
- The ecosystem on the acorn meadows site is in a fragile state and this is concerning as more development could have tragic consequences.
- Irreversible damage to biodiversity.
- Disturbance to existing wildlife populations.
- Displacement of local wildlife.
- The proposed site is on prime high quality agricultural land that can be used either for agricultural purposes or re-wilded as natural habitat.
- There has been a serious lack of conservation and preservation by the builder Cameron Homes, limited tree/shrubs/wildflower planting and a non-existent attenuation pond, which has never been planted or developed to promote the return of the local wildlife.

## Environment

- Increase in traffic will lead to an increase in pollution.
- Carbon foot print is of major concern with new build, asphalt and concrete surfacing
- More homes will lead to light pollution.
- A climate change statement forms part of the planning application which is almost entirely generic and predominantly states existing statutory requirements.
- Concerns about the noise, pollution, and lorries during construction.
- The new houses should have solar panels and heat pumps.

## *Comments on the amended scheme*

## Principle

- Amendments were made AFTER the expiry date and therefore should not count.
- The amendments do not change any of my concerns and therefore are still valid.
- Cameron Homes have been devious in their pursual of this planning and tried to mislead and confuse by making minor changes to the plans and leaving the objecting residents confused by the process.
- As residents, we remain committed to opposing this development regardless of the minor changes that are being proposed.
- These aren't houses for local people.
- Concerns the application brings nothing to those that live in the village other than extra problems in the future.

## Landscape

- The initial planning application which covered both the existing and proposed new development was declined due to the housing density being too high, limiting them to build only the existing development.
- Concerns about the impact a further development will have on the scenery and local wildlife.
- Concerns the development will affect tourism by taking away the attractiveness of the village and possible income streams for the few businesses located in Brailsford.
- Flooding is now a big problem too. The water that constantly run down the hill in the village towards the Rose and Crown is horrendous.
- On the first application for Cameron Homes the housing sizes were meant to be lower than the school opposite, clearly this has not been adhered to by the building company and not followed up by the council,
- The height of houses needs to be addressed.

## Highways

- Is there a crossing planned for outside the school?
- There is no paved area on the side of the road outside the school- parents and children are forced to walk in the road, in the path of fast-moving lorries from the local quarry and other traffic- the council and Miller Homes have, to date, refused to pave the existing grass verge to enable safe passage into the school- can this please be resolved by the council and/or Miller homes prior to any further developments close to the school?
- Access to the proposed site still runs through what was built, and sold, as a "Close". The plan would entail ripping up the finished trim trail, pavement and banking to reach the higher land of the site.
- Adding to an already chaotic stretch of road around the school where industrial and agricultural traffic encounter the school run.
- Consideration must be given to families with young children walking, elderly and other members of the community.

### Sustainability and Infrastructure

- the school has been full for some years now and any further house building in the local area would necessitate an extension to the school building in order to accommodate potential pupils. I assume section 108 money would fund this?
- Extending the school to accommodate the pupils who already live locally was considered by the council, when the situation first became apparent due to families moving into the recently developed land adjacent, opposite and close to the school by Cameron Homes, Miller homes and Avant - plans were shelved due to lack of funds.
- The most recent development by Cameron, opposite the school did not provide any section 106 money for Brailsford school – one questions the logic in this decision, as the school was already over capacity at the point Cameron started building.
- Can you offer assurances that you have considered the impact on the school and the safety of its pupils and families this time?
- Will you support the extension of the school to accommodate additional pupils from this new development and secure section 106 to fund it?
- The infrastructure in the village can not support the existing residents and has not benefitted from any investment from the two most recent developments.
- No facilities in the village to support new residents i.e., retail or work places nearby meaning people will have to use their vehicles on a daily basis.
- Concerns about a lack of reinvesting into the village by the council.

### Flooding and Drainage

- The golf club are continually calling Severn Trent to sort out the drainage problem.
- Drainage companies are always getting called out to unblock the drains on the Acorn Meadows estate.
- The proposed extension to the attenuation area would be difficult to achieve without detriment to the present "open space", the wildlife pond(which does not appear on the new plan) and also to the young trees.
- Flooding is now a big problem too. The water that constantly run down the hill in the village towards the Rose and Crown is horrendous.

### Biodiversity

- The lovely countryside on the edge of the village will be eroded effecting wildlife and the village feel of Brailsford.

### Environment

- The carbon footprint is a major concern in this village due to the high volume of traffic passing through.

The Representations from Derbyshire Swift Conservation Project request that a condition is imposed to ensure this development is built with up to 33 internal nest bricks (i.e. 1 brick per dwelling) designed for Swifts as a universal biodiversity enhancement for urban bird species and that photographic evidence of installation is made available upon completion.

## **7.0 OFFICER APPRAISAL**

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission under the Act are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the purposes of the Act is the Adopted Derbyshire Dales Local Plan (2017) and the Adopted Brailsford Parish Neighbourhood Plan (2021).

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

There are no known issues archaeological features or heritage assets within the site as confirmed in the submitted Archaeological Desk Based Assessment. The proposed development would not harm the significance/setting of nearby heritage assets, including Brailsford Conservation Area and a number of listed buildings located some distance to the south, beyond intervening development.

#### Whether residential development on this site is acceptable in principle

- 7.3 The application site is not allocated for housing in the development plan and is located outside but on the edge of Brailsford. Policy S2 directs development to the most sustainable locations to reduce the need to travel and promote sustainable communities based on the services and facilities available in each settlement. Brailsford is a third tier settlement where policy provides for reduced levels of development in comparison to higher order settlements in order to safeguard and, where possible, improve their role consistent with maintaining or enhancing key environmental attributes. New development should be focused within the defined settlement boundary in accordance with their scale, role and function unless otherwise indicated in the Local Plan.
- 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 The Council is unable to demonstrate a 5 year housing land supply at this time. In these circumstances policy S4 i) allows for residential development on non-allocated sites on the edge of defined settlement boundaries of first, second and third tier settlements.
- 7.6 The application site is located on the northern edge of the settlement, beyond housing allocation HC2(h) in the Adopted Derbyshire Dales Local Plan (2017). The development site will be, and adjoining development is served by footpaths and is within walking distance of the services and facilities within the village.
- 7.7 Having regard to the above, the principle of residential development on this site is in accordance with policies S2 and S4 i) of the Adopted Derbyshire Dales Local Plan (2017). However, for Brailsford policy S2 provides for reduced levels of development to safeguard, and where possible, improve their role consistent with maintaining or enhancing key environmental attributes.
- 7.8 Notwithstanding the provision for housing development on the edge of tier 1 – 3 settlements, in the circumstances where the Council cannot demonstrate a five-year supply of housing land to meet its objectively assessed housing needs, within the Adopted Derbyshire Dales Local Plan (2017) Paragraph 11d) of the National Planning Policy Framework (2023) states that in such circumstances the Local Planning Authority should grant planning permission for sustainable development unless:



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

7.10 The inability to demonstrate a five-year supply of housing land and the lack of provision for housing development in the Brailsford Neighbourhood Plan (2021) beyond the existing settlement framework boundary is such that a tilted balance in favour of the development is engaged.

7.11 Reference is made to the amount of development that has come forward in Brailsford over recent years and permission being previously refused for development on the site in the representations received. The spatial approach to housing development should seek to direct development towards the most sustainable locations to reduce the need to travel and promote sustainable communities. Brailsford is an accessible settlement with some facilities and specific provision is made for the expansion of such settlements in circumstances where the Council cannot demonstrate a five-year housing land supply in recognition of this. The erection of 33 dwellings on the site is considered to be an acceptable level of additional growth of the settlement on its northern side having regard to where the village sits in the settlement hierarchy, and would not generate a disproportionate number of additional journeys outside of the village. The omission of the site as part of the application to develop the land to the south was done so to prevent the unwarranted expansion and growth of the settlement at that time, given the advanced stage of the local plan and the housing allocations contained therein. Circumstances have clearly changed and the inability to meet the districts housing needs carries weight. As set out in the supporting Planning Statement that accompanies the application, the site was put forward as part of the Strategic Housing and Employment Lane Availability Assessment and was deemed developable based on the assessment criteria in 2022.

7.12 Notwithstanding the above and any tilted balance in favour of the development, it must be assessed against other relevant provisions of the development plan and against the policies in the National Planning Policy Framework taken as a whole.

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

7.13 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

7.14 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.

7.15 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.

7.16 Policy PD1 goes on to say that development will only be permitted where the location, materials, scale and use are sympathetic and complement the landscape character,

natural features (including trees, hedgerows and water features that contribute positively to landscape character) are retained and managed and opportunities for appropriate landscaping are sought such that landscape characteristics are strengthened.

- 7.17 Brailsford Neighbourhood Plan Policy LW1: Landscape and Wildlife seeks that development proposals shall demonstrate appropriate regard for landscape sensitivities and designations and ensure that there is appropriate integration within the landscape by affording priority to the retention of existing features, particularly tree belts and hedgerows. New or replacement planting shall accord with the character of the setting.
- 7.18 The submitted Landscape and Visual Impact Assessment (LVIA) recognises that the site was assessed to be of High sensitivity in the District Council's Landscape Sensitivity Study 2015. The LVIA maintains, however, that the context has altered since this study was completed due to considerable development to the west of Brailsford. In paragraph 7.3 the LVIA asserts that the application site is 'agricultural with urbanising influences from the adjacent development at Acorn Meadows and Brailsford Primary School' and subsequently the Landscape Value of the site is assessed as Medium.
- 7.19 Officers agree with the applicant that views of the site are restricted from the south and southwest as a result of the sites proximity to the settlement edge, the local landform and intervening vegetation. Longer distance views are available from the north and northeast as a result of the sites elevated position resulting in views of the site on the approach to the village. The design and layout of the proposed development has given careful consideration to minimise the impact of the development and amended plans have been received which omit a bungalow at the north eastern corner of the site. The retention of the protected trees and additional planting in this area and around the periphery of the site will help filter views of the development on the approach to the village and when viewed from the north and will provide a strong settlement edge / boundary. The density of the development is also reflective of the village fringe location of the site and the layout and scale of the dwellings would not result in the dwellings being unduly prominent in the landscape. Taking the above into consideration, the development would not result in any unacceptable long-term landscape or visual effects that would be detrimental to the landscape and character and appearance of the area.
- 7.20 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) requires that development contributes positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials, and the relationship to adjacent buildings and landscape features. Policy H1 of the Brailsford Neighbourhood Plan contains similar provisions. It requires that the design of new development demonstrates an understanding of and attention to the village environment, its rural location and its history and addresses the relationship of the new to the existing built village form, in terms of enclosure and definition of street and spaces, including degree of set back; the height scale, density and use of materials with the new to ensure that it complements existing character and integration with the surroundings by linking to existing paths and cycleways amongst other considerations.
- 7.21 The applicant is accompanied by a Design and Access Statement which considers the impact of the development on its surroundings and wider context. The Statement recognises that Brailsford is a small settlement that has witnessed a gradual transition of architectural styles over the years and that a common theme throughout the village is the use of cottage style windows and chimneys, providing a rural feel to the settlement.
- 7.22 The proposed development seeks to integrate with the existing Acorn Meadows development, being a second phase to the scheme. The scheme has also taken into consideration existing links with a view to enhance and incorporate these within the layout to encourage residents to walk to access local services and amenities.

- 7.23 The site layout maximises views out towards open countryside. It is outward facing and less dense on the fringes and of a scale on the ridge line that would respond positively to the village fringe location of the site and its interface with the countryside. Dual aspect dwellings are positioned at key focal points and junctions within the site. The continuation of the building designs, materials and scale of development at Acorn Meadows will ensure a strong and coherent identity.
- 7.24 The design, layout and scale of development would it is considered respond positively to the character, identity and context of this part of Brailsford and would satisfy the relevant provisions of policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) and Policy H1 of the Brailsford Neighbourhood Plan (2021) in this respect.

#### Transport and impact on highway safety

- 7.25 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. Policy TMA1 encourages development proposals to provide for safe access to surrounding community facilities, an additional pelican crossing at the statutory distance from Luke Lane junction and a new pedestrian crossing on Luke Lane to provide safer access to the school and additional funding for public transport services within the parish. From the representations received, concerns have been raised with regard to traffic, congestion and the dangers presented by further development to pedestrians and highway users.
- 7.26 Access to the proposed development will be from the estate road serving Acorn Meadows. It is proposed to continue the existing cul-de-sac, Blackthorn Close. This will be the single point of vehicular access into the site, off which will be a new cul-de-sac spur.
- 7.27 A Transport Statement has been submitted with this application. The Transport Statement finds that a development of up to 35 dwellings is expected to generate 24 and 23 two-way vehicle trips in the AM and PM network peak periods respectively. This equates to approximately one new vehicle trip every three minutes in both the AM and PM peak periods. It finds that this level of trip generation would not have a detrimental impact on the safe and efficient operation of the local highway network.
- 7.28 The predicted increase in traffic during the network peak hours is demonstrated to not be significant, with a capacity assessment of both the Sycamore Way/Luke Lane and Luke Lane/Main Road (A52) junctions identifying 43 that there is to be minimal queuing during the 2026 and 2033 future years with the proposed development in full operation. Both junctions are suitable to accommodate the forecast demand from the proposed development with no significant cumulative impact along the local highway network.
- 7.29 Following concerns raised by the Local Highway Authority, revised swept-path analysis and internal visibility assessment and geometric plans have been submitted to demonstrate that all vehicles can access, manoeuvre and egress the site in a safe and convenient manner.
- 7.30 With regard to parking provision Policy HC21 of the Adopted Derbyshire Dales Local Plan (2017) Vehicular parking for new development should be provided having regard to adopted standards, as set out in Appendix 2 of this Local Plan, or where the developer can adequately justify their own parking provision with evidence accompanying any planning application. All dwellings will be served by off-street car parking spaces. The two, three and four bedroomed dwellings will have a minimum of two parking spaces. Cycle parking will also be provided for each dwelling and 7kW Electric Vehicle Charging (EVC) points will

be provided to all dwellings. This constitutes appropriate provision to meet the requirements of Policy HC21.

7.31 In their consultation comments the Local Highway Authority has expressed some disappointment with regard to the lack of street trees. The Local Planning Authority has determined that they would prefer to see landscaping addressed elsewhere in the scheme and is satisfied that this can be conditioned accordingly, for the following reasons:

- Tree lined streets are not a characteristic of phase 1. The addition of street trees in phase 2 would therefore appear incongruous with phase 1.
- The planting strategy for phase 2 is already proposing significant tree planting within the POS along the northern boundary and also along the eastern boundary. This is to create an effective landscape buffer between the urban edge and countryside further to the north and east. Note a core part of the strategy is to re-establish the tree belt along the eastern boundary.
- The site already lies in a semi-rural context on the edge of Brailsford which is already characterised by surrounding trees and hedgerows. This is not high-density urban environment which would benefit from the addition of street trees.

7.32 Paragraph 136 of the National Planning Policy Framework (2023) states that decisions should ensure that new streets are tree-lined unless, in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate. The above reasons are considered to clear and justifiable in this case. The focus for tree planting should be on create a strong settlement edge and minimising the impact of the development on the landscape.

7.33 Taking the above into consideration, the development would not result in an adverse impact upon the safety or operation of the local road network and the proposals would be in accordance with national policy and Policies PD1, HC19 and HC21 of the Adopted Derbyshire Dales Local Plan (2017) and Policy H1 of the Brailsford Neighbourhood Plan (2021).

#### Impact upon the amenity of neighbouring properties

7.34 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) 'Design and Place Making' 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.

7.35 The application site is located immediately to the north of the existing Cameron Homes development. New development would however sit beyond the attenuation basin / area of open space and trim trail. The scale of the dwellings, their orientation and separation distance between new and existing properties is such that the development would not result in any unacceptable overbearing or overshadowing effects or loss of privacy.

7.36 The development would result in some impact in terms of noise and disturbance during construction. However, this is the case with any development and could be satisfactorily controlled subject to planning conditions to control hours of construction works, construction compound and parking and wheel cleaning facilities.

7.37 Subject to conditions the development could be accommodated on site without significant harm to the amenity of neighbouring properties or occupants of the development in accordance with policies S1 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

7.38 Policies S1 and PD7 state that the Council will promote a development strategy that seeks to mitigate the impacts of climate change and respects our environmental limits by: requiring new development to be designed to contribute to achieving national targets to reduce greenhouse emissions by using land-form, layout, building orientation, planting, massing and landscaping to reduce energy consumption; supporting generation of energy from renewable or low-carbon sources; promoting sustainable design and construction techniques, securing energy efficiency through building design; supporting a sustainable pattern of development; water efficiency and sustainable waste management.

7.39 A climate change statement has been submitted with the application. In addition to meeting building regulation requirements in respect of conservation of fuel and power and being served by a sustainable urban drainage system, the development will make the following contributions:

- Make efficient use of the site whilst recognising local character and context
- Provide cycle parking / storage for each dwelling
- 7kW Electric Vehicle Charging (EVC) points will be provided to all dwellings
- Prioritisation of sustainable travel – providing good cycle and pedestrian links to the services and facilities in the village.
- Each home will be provided with a Travel Pack (to help deliver the objectives of the Travel Plan).
- Dwellings have been designed with appropriate orientation and windows to ensure solar gain and to maximise the prospect of using solar PV panels.
- Locally sources sustainable materials will be utilised where possible.
- Climate resilient building materials will be used.
- Prefabricated trussed rafter roofs (modular build) will be explored.
- Water efficiency measures will meet building regulations Part G as a minimum.
- Each home will have a high-speed internet connection and be capable of accommodating a desk of at least 1.8m.
- Each home will have good levels of daylight and will meet Part O of the building regulations re. ventilation.

7.40 The applicant has agreed to a condition to submit a scheme which seeks to mitigate the effects of and adapt to climate change, which includes the above as a minimum prior to works commencing on the superstructure of the approved dwellings.

7.41 The site is sustainably located in terms of distance from the village and availability of public transport. The application demonstrates that with a condition the development can be delivered in a manner that would help reduce carbon emissions and energy consumption thereby mitigating the impacts of climate change in accordance with policies S1 and PD7 of the Adopted Derbyshire Dales Local Plan (2017).

#### Flood risk and drainage

7.42 The 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 a Flood Risk Assessment (FRA) and drainage strategy has been submitted with application, which has been revised to address the comments received from the LLFA

7.43 Policies S1 and PD8 of the Adopted Derbyshire Dales Local Plan (2017) are relevant and state that the Council will support development proposals that avoid areas of current or future flood risk and which do not increase the risk of flooding elsewhere. Development will be supported where it is demonstrated that there is no deterioration in ecological status either through pollution of surface or groundwater or indirectly through pollution of surface

or groundwater or indirectly through overloading of the sewerage system and wastewater treatment works. New development shall incorporate Sustainable Drainage Measures (SuDS) in accordance with national standards. Policy H1 of the Brailsford Neighbourhood Plan (2021) also requires that mitigation of flooding should be an integral part of the design and layout.

- 7.44 The application proposes that surface water discharge to a watercourse via the existing sewers in Phase 1. These sewers are currently on a maintenance period before adoption by STW. The network will be a gravity network. It is proposed that the Hydro-Brake in the Phase 1 control chamber be increased from 16 l/s to 6.5 l/s. This increase will allow for the greenfield run-off from the application site. This will require the existing hydro-brake to be replaced with a new one.
- 7.45 The system has been designed to accommodate a 1 in 100 year + 40% climate change storm event and has accommodated an additional 10% urban creep requirement. The current storage basin is not large enough for additional surcharged water. It is proposed that the basin volume be increased from 519.65m<sup>3</sup> to 673m<sup>3</sup>.
- 7.46 Foul water will connect to the STW sewer assets in the adjacent development. This would mitigate risk of pollution of the water environment in accordance with policy PD9.
- 7.47 The drainage strategy advises that the main foul and surface water drainage serving the development will be adopted by STW under a s104 agreement and they will maintain these features for the lifetime of the development. The attenuation basin is to be managed by the residents management company responsible for maintaining the public open space.
- 7.48 The revised drainage system has been designed to address the comments of the LLFA. It is anticipated that final comments from the LLFA and any recommended conditions will be reported to the committee with the late representations. Based on the information submitted officers are satisfied that the proposals would not lead to flooding on the site or elsewhere or result in the pollution of the environment. The applicant will need to secure approval from STW to connect to their network as part of the building regulations process. Subject to conditions the application does demonstrate that the development can be accommodated on site in accordance with policies S1, PD8 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

#### Impact on trees and biodiversity

- 7.49 Two Protected trees and hedges surrounding the site are 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. Policy PD6 advises that trees, hedgerows, orchards or woodland of value should be retained and integrated within development wherever possible. Where their loss is justified replacement provision will be required utilising indigenous tree species and hedgerows that are in sympathy with the locality and the site and, as a minimum, of equivalent value to the trees and hedgerows to be lost. Policy LW1 requires development proposals to integrate into the landscape by prioritising retention of existing features, particularly tree belts, copses and hedgerows and where required replacement planting.
- 7.50 An Arboricultural Assessment, which includes within it a Arboricultural Impact Assessment has been submitted with the application. The application has since been further amended to remove a bungalow and to realign the footpath in the northern so that it sits outside of

the RPA of the mature trees. Additional tree planting is proposed to help filter views for the development from the wider landscape / countryside beyond the site. A condition is necessary to ensure appropriate protection of the retained trees during construction. The development would retain important landscape features and enhance existing landscaping on site, thereby complying with the requirements of Policy PD6 of the Adopted Derbyshire Dales Local Plan (2017).

- 7.51 The application is supported by an Ecological Appraisal and Biodiversity Metric. Whilst this application was made before day one of the mandatory 10% BNG requirement on 12 February 2024, it does seek to deliver a measurable net gain in accordance with national policy and Adopted Derbyshire Dales Local Plan (2017) Policy PD3. Using metric 3.1 the development delivers a 26.83% gain in habitat units and 25.79% gain in hedgerow units, based on the existing baseline value. The site is dominated by arable land with a small area of improved grassland which is of limited conservation value. The proposed habitat plan seeks to introduce trees and deliver modified and other neutral grassland and mixed scrub in the POS areas surrounding the development to enhance biodiversity. Policy GSL1: Green and Open Spaces of the Brailsford Neighbourhood Plan (2021) seeks in the second part of the policy that housing developments that include new open spaces should provide for variety and sensitivity to the local landscape i.e. managed grass space, wildflower habitats, community gardens and children's play areas. The proposals would meet with this requirement.
- 7.52 Following receipt of the comments from Derbyshire Wildlife Trust survey work in on ponds within 250m of the site have been carried out. No great crested newts were recorded. This species and other protected species are not considered to pose a constraint to the proposed development. It is anticipated that final comments from Derbyshire Wildlife Trust to confirm that they have no objections and any recommended conditions will be reported to the committee with the late representations.
- 7.53 If permission is granted a planning condition to secure a Landscape and Biodiversity Enhancement and Management Plan (LBEMP) would be recommended. Subject to condition and on the basis of the information submitted it has been demonstrated that the development can be accommodated on site in accordance with policies S1 and PD3 of the Adopted Derbyshire Dales Local Plan (2017).

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

- 7.54 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.
- 7.55 The development falls below the threshold for a contribution to be sought by the Integrated Care Board (formerly the CCG). The Education Authority has stated that they require a £138,089.35 contribution towards the provision of 3 infant and 4 junior places at Brailsford CE (Controlled) Primary School (and additional education facilities). If permission is granted it will be necessary to secure this contribution through prior entry into a planning obligation to meet the infrastructure demands deriving from the development.
- 7.56 In order to address the significant need for affordable housing across the Local Plan area, policy HC4 of the Adopted Derbyshire Dales Local Plan (2017) 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. In accordance with



paragraph 62 of the National Planning Policy Framework, affordable housing is expected to be delivered on-site unless off-site provision or a financial contribution in lieu can be robustly justified, and the agreed approach contributes to the objective of creating mixed and balanced communities. The application proposes to meet this policy requirement by providing 10 affordable dwellings on site. This amounts to 30.3%. The submitted plans indicates that 8 no. of these will be in the form of social rent and 2 no. in the form of intermediate housing. This is acceptable in accordance with the requirements of Policy HC4. The ministerial statement published on the 24<sup>th</sup> May 2021 and planning practice guidance requires that a minimum of 25% of all affordable housing units secured through developer contributions should be First Homes. It is expected that First Homes (and the mechanism securing the discount in perpetuity) will be secured through section 106 planning obligations. It is therefore recommended that an affordable housing scheme is secured which shall deliver a minimum of 25% of the affordable dwellings as first homes and the remaining amount as affordable rented properties as part of any legal agreement. The applicant has agreed to this provision.

7.57 Policy HC11 of the Adopted Derbyshire Dales Local Plan (2017) prescribes a housing mix to meet the Council’s housing needs and to create a sustainable, balanced and inclusive communities. Brailsford Neighbourhood Plan policy H1 requires local housing requirements to be met, particularly for 2 and 3 bedroom affordable homes and bungalows. The application proposes that the dwellings will comprise 1, 2, 3 and 4 bedroomed dwellings. The overall mix of housing is as follows:

<b>No. of bedrooms</b>	<b>No. of dwellings</b>
1	4 (12.1%)
2	12 (36.4%)
3	14 (42.4%)
4	3 (9.1%)

7.58 The proposed mix closely aligns with the policy requirement for both market and affordable dwellings and will provide a diverse range of housing sizes and types to address the housing needs of the district. The development is therefore considered to comply with the requirements of Policy HC11.

7.59 Policy HC14 requires new residential developments of 11 dwellings or more to provide or contribute towards public open space and sports facilities. Policy GSL1 requires developments to provide for a variety of open spaces sensitive the local landscape. The Adopted Supplementary Planning Document (SPD) on Developer Contributions dated February 2020 supersedes the table in policy HC14 as it is based on the updated study from January 2018. This 2018 study concluded that whilst the quantity and quality of open space and recreation facilities across the District are in most cases sufficient the following deficiencies were identified as likely to occur by 2033.

- Parks and Gardens – 2.42ha
- Natural and semi natural greenspaces – 16.16ha
- Amenity greenspace – 2.54ha
- Provision for children and young people – 0.13ha
- Allotments – 0.45ha

7.60 Given that the towns and villages across the Plan area are set in natural surroundings generally with ready access to the countryside, the SPD advises that developer contributions for Amenity Green Space and Semi/Natural Green Space will not be sought. The application does not make provision for children’s play and it is not practical to deliver a small number of allotments on the site. In this rural location natural greenspace would be more appropriate than formal parks and gardens, as they would reflect the character of the



area and bring biodiversity benefits. The site is also within a 10 minute walk of the park and recreation ground off The Plain and the adjacent development includes a trim trail to encourage walking. The following off site contributions towards open space are therefore considered to be appropriate and reasonably related in scale and kind to the development being applied for, having regard to the formula contained within the SPD.

Childrens Play – 33 x £170.10 = £5613.30 (to be used to upgrade or enhance existing facilities)

Allotments – 33 x £59.10 = £1950.30 (to deliver allotments in the area or wider district)

7.61 Subject to the prior entry into a planning obligation to secure affordable housing provision and development contributions for education and open space the application does demonstrate that the development is in accordance with policies S10, HC4, HC11 and HC14 of the Adopted Derbyshire Dales Local Plan (2017) and GSL1 of the Brailsford Neighbourhood Plan (2021).

### The Planning Balance

7.62 Paragraph 11d) of the National Planning Policy Framework (2023) states that in such circumstances the Local Planning Authority should grant planning permission for sustainable development unless:

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

7.63 The inability to demonstrate a five-year supply of housing land and the lack of provision for housing development in the Brailsford Neighbourhood Plan (2021) beyond the existing settlement framework boundary is such that a tilted balance in favour of the development is engaged.

7.64 The erection of 33 dwellings on the site is considered to be an acceptable level of growth having regard to the nature of the settlement and its services and facilities and would not generate a disproportionate number of additional journeys outside of the village. With the retention of the mature protected trees and the additional landscaping proposed the development, in terms of its layout and scale of the dwellings can be accommodated within the landscape without harm to its character or the character, identity and context of this part of the settlement. The design, form and layout of the development has been carefully considered to reflect the adjacent development and would ensure successful place making. The development will deliver significant gains for biodiversity, will not result in unacceptable impacts on highway safety or severe impacts on the road network. Subject to no objections being received from Derbyshire Wildlife Trust or the Lead Local Flood Authority, it has been satisfactorily demonstrated that there would be no adverse impacts on protected species and that the site can be appropriately drained without having any adverse effects on the environment or presenting flood risks. The development will help meet the districts housing needs and bring with it associated economic and social benefits, deliver a policy compliant level of affordable and diverse mix of housing to meet differing needs within the community. The development can be safely accessed, will be accessible to the services, facilities and public transport links within the village and will include measures to help mitigate the effects of and adapt to climate change.

7.65 There are no adverse impacts associated with granting permission that would significantly and demonstrably outweigh the benefits in this case and it is recommended that the application be approved on this basis. 41

## 8.0 RECOMMENDATION

That authority be delegated to the Development Manager or Principal Planning Officer to grant planning permission following receipt of no objections from Derbyshire Wildlife Trust and the Lead Local Flood Authority and the imposition of any conditions recommended and the completion of a s106 planning obligation agreement that secures the delivery of 10 affordable dwellings of an appropriate tenure (a minimum of 25% of which should be first homes), £138,089.35 contribution towards the provision of 3 infant and 4 junior places at Brailsford CE (Controlled) Primary School (and additional education facilities), £5613.30 to be used to upgrade or enhance existing children's play facilities in the area and £1950.30 towards the delivery of allotments in the area or wider district and subject to the following conditions:

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

Reason:

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

2. The development hereby permitted shall not be carried out other than in accordance with the following approved plans and documents, subject to the following conditions:

- Site Location Plan – 2328-01
- Proposed Site Layout – 2328-03-U
- Materials Plan – 2328-04 Rev E
- Storey Heights Plan – 2328-05 Rev E
- Boundary Treatments Plan – 2328-06 Rev E
- Landscape Masterplan – FPCR-XX-XX-DR-L-0001 P03
- House Types:
  - o Housetype 535 – H-1-535-RURAL
  - o Housetype 761 – H-2-761-RURAL
  - o Housetype 920 – H-3-920-RURAL
  - o Housetype Annesley – H-2-783-ANNESLEY-RURAL
  - o Housetype Barton – H-2-838-BARTON-RURAL
  - o Housetype Chapman – H-3-1009-CHAPMAN-RURAL
  - o Housetype Godwin – H-4-1327-GODWIN-RURAL
  - o Housetype Denver – H-3-1383-DENVER-FORMAL 1
  - o Housetype Heywood – H-4-1425-HEYWOOD-RURAL
  - o Housetype Birch – reference TBC
- FRA and Drainage Strategy – LLBR-BSP-XX-XX-D-C-0190 P04
- Design and Access Statement, prepared by White Ridge
- Transport Statement, prepared by Rappor
- Refuse Tracking Plan 220855-TP-4102 P03
- Fire Tender Tracking Plan 220855-TP-4101 P03
- Estate Car Tracking Plan 220855-TP-4100 P03
- Internal Visibility Assessment and Geometric Plan 220855-TP-3200 P03
- Travel Plan, prepared by Rappor
- Flood Risk Assessment and Drainage Strategy, prepared by BSP
- Ecological Appraisal Rev A Dated December 2023, prepared by FPCR
- Proposed Habitat Enhancement Plan
- Baseline Habitat Plan
- BNG Metric

- Arboricultural Assessment, Tree Survey and Tree Schedule, prepared by FPCR •
- Desktop Archaeological Statement, prepared by Cgms
- Landscape and Visual Assessment, prepared by FPCR
- Site Investigation – prepared by asl
- Affordable Housing Statement – prepared by Evolve Planning
- Statement of Community Engagement – prepared by Evolve Planning
- Climate Change Statement, prepared by Evolve Planning

Reason:

For clarity and in the interests of the proper planning of the area.

3. Prior to commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:
  - Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
  - Advisory routes for construction traffic;
  - Any temporary access to the site;
  - Locations for loading/unloading and storage of plant, waste and construction materials;
  - Method of preventing mud and dust being carried onto the highway;
  - Arrangements for turning vehicles;
  - Arrangements to receive abnormal loads or unusually large vehicles;
  - Highway Condition survey;
  - Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason:

In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development in accordance with the requirements of Policies S4 and HC19 of the Adopted Derbyshire Dales Local Plan (2017) and TMA1 of Brailsford Neighbourhood Plan (2021).

4. The Development hereby approved shall not be occupied until the access, parking and turning facilities that individual building to the nearest public highway has been provided as shown on drawing 2328-03.

Reason:

To ensure adequate access, manoeuvring and parking space to comply with Policies S4, HC19 and HC21 of the Adopted Derbyshire Dales Local Plan (2017) and TMA1 of Brailsford Neighbourhood Plan (2021).

5. Notwithstanding the submitted details the cul de sac junction between plots 02 and 15 shall be provided as a side road pedestrian priority junction in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interest of highway safety in accordance with the aims of Policies S4, HC19 and HC21 of the Adopted Derbyshire Dales Local Plan (2017) and TMA1 of Brailsford Neighbourhood Plan (2021).

6. No individual dwelling in the Development hereby approved shall not be occupied until sheltered, secure and accessible bicycle parking has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The storage area shall be maintained for this purpose thereafter.

Reason:

To promote sustainable travel and healthy communities in accordance with the aims of Policy HC20 of the Adopted Derbyshire Dales Local Plan (2017).

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

Reason:

To reduce vehicle movements and promote sustainable access in accordance with the aims of Policy HC20 of the Adopted Derbyshire Dales Local Plan (2017).

8. No works shall commence on the footings of the approved dwellings until details of finished floor 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 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.

9. Prior to any site clearance, groundworks, excavations, demolition or construction works and before any materials or plant are brought onto the site for the purpose of the development, temporary tree protection fencing shall be erected in accordance with the approved plans and according to the approved specification (or as specified by British Standard 5837:2012).

The fencing shall remain in place and intact until all development works at the site have been completed and all equipment, plant, machinery, surplus materials and waste have been removed from the site; and:

1. no ground level change,
2. excavation,
3. underground services installations/removals,
4. surfacing, or
5. construction

shall take place within the fenced areas.

Furthermore, unless agreed in writing in advance by the Local Planning Authority there shall be:

1. no access to the fenced areas for pedestrians/plant/vehicles;

2. no waste/equipment/materials/consumables/spoil storage in the fenced areas;
3. no fires in the fenced areas or within 10m of them;
4. no fuel, oil, cement, concrete, mortar or washings shall be allowed to flow into the fenced areas.

Reason:

To protect retained trees during the development phase in accordance with policies PD3 and PD7 of the Adopted Derbyshire Dales Local Plan.

10. Notwithstanding the approved plans, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority within 56 days of the commencement of development, the details of which shall include:
  - a) soil preparation, cultivation and improvement;
  - b) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
  - c) grass seed mixes and sowing rates;
  - d) gates, walls, fences and other means of enclosure;
  - e) hard surfacing materials;
  - f) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units and signs);
  - g) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
  - h) retained landscape features and proposed restoration, where relevant; and
  - i) timescale for implementation.

The development shall not be carried out other than in accordance with the approved details.

Reason:

To secure a high-quality landscaping scheme which conserves the setting and character of the buildings and implementation as soon as reasonably practicable in accordance with policies PD1 and PD2 of the Adopted Derbyshire Dales Local Plan and the National Planning Policy Framework.

11. All hard and soft landscaping comprised in the approved details of landscaping shall be carried out in accordance with the approved timescale. 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.

Reason:

To secure a high-quality landscaping scheme which conserves the setting and character of the buildings and implementation as soon as reasonably practicable in accordance with policies PD1 and PD2 of the Adopted Derbyshire Dales Local Plan and the National Planning Policy Framework.

12. Prior to the works commencing on the superstructure of the dwellings hereby approved, a detailed scheme of measures to mitigate the effects of and adapt to climate change at the site 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 measures 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).

13. Prior to first occupation of any dwelling, details of the legal and funding mechanism for the maintenance and management of all landscaped areas (excluding privately owned gardens), including the play equipment, highways / footways and areas of hardstanding and the delivery and monitoring of units of habitat to deliver a Biodiversity Net Gain shall be submitted to and approved in writing by the Local Planning Authority. The management and maintenance of these areas shall then be carried out in accordance with the approved details.

Reason:

To ensure an appropriate standard of landscaping and maintenance of the road and footpath infrastructure in accordance with the aims of Policies, S3, PD5 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

14. 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 08.00 – 18.00 Monday to Friday, 08.00 – 13.00 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).

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

Reason:

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

16. Notwithstanding the approved plans, prior to installation full detail of all windows, roof lights and doors (including materials, construction, recess and external finish) shall be 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 a satisfactory external appearance of the development in accordance with policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

17. The dwellings shall have plain verges with gutters on brackets with no fascias, soffits or exposed or projecting timberwork in accordance with detailed designs which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason:

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

18. No external metre boxes shall be installed other than in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason:

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

19. An integral swift nest box plan for the selection, siting, positioning and installation of integral swift nest boxes, such as swift bricks incorporated within the external walls of the dwellings hereby approved, should be submitted to, and approved in writing by, the local planning authority.

The integral swift nest box plan should be prepared in accordance with the requirements of BS 42021 or equivalent best practice guidance and should identify, as a minimum:

- a) the type and number of integral nest boxes to be installed;
- b) the specific buildings on the development into which boxes are to be installed, shown on appropriate scale drawings;
- c) the location on each building where boxes are to be installed, shown on appropriate building plans and elevations.

A statement of compliance including photographs shall be submitted to the Local Planning Authority prior to first occupation of the dwellings, demonstrating that the boxes have been selected and installed in accordance with BS42021.

The integral nest box plan should be implemented in accordance with the approved details and all boxes shall be retained in that manner thereafter.

Reason:

To safeguard wildlife and the biodiversity on site in accordance with the requirements of Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

+ conditions recommended by Derbyshire Wildlife Trust to safeguard wildlife and to deliver BNG, including a Landscape and Biodiversity Enhancement and Management Plan (LBEMP)

+ conditions recommended by the Lead Local Flood Authority relating to the delivery and future management of the approved sustainable drainage system and drainage during construction.

## 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...

The Local Planning Authority prior to and during the consideration of the application engaged in a positive and proactive dialogue with the applicant which resulted in the submission of amended drawings to minimise the impact of the development on the landscape and protected trees.

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 £43.00 per householder request and £145.00 per request in any other case. The fee must be paid when the request is made and cannot be required retrospectively.

### Highway Matters

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

Contact the Highway Authority's Implementation Team at [development.implementation@derbyshire.gov.uk](mailto:development.implementation@derbyshire.gov.uk).

You will be required to pay fees to cover the Council's costs in undertaking the following actions:

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

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

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

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

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

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



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

Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties.

This does not offer any relief to obligations under existing Legislation.

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<b>APPLICATION NUMBER</b>		24/00094/FUL	
<b>SITE ADDRESS:</b>		5 Thorpe View, Ashbourne, Derbyshire, DE6 1SY	
<b>DESCRIPTION OF DEVELOPMENT</b>		Single-storey rear extension.	
<b>CASE OFFICER</b>	Mr. Ecclestone	<b>APPLICANT</b>	Mrs. Norton
<b>PARISH / TOWN</b>	Ashbourne	<b>AGENT</b>	None.
<b>WARD MEMBER(S)</b>	Cllr. Archer Cllr. Wilton Cllr. Bates	<b>DETERMINATION TARGET</b>	29 <sup>th</sup> March 2024
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	The applicant is a Council employee.	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	Not applicable.

<b>MATERIAL PLANNING ISSUES</b>
<ul style="list-style-type: none"> <li>- Character and appearance</li> <li>- Residential amenity</li> </ul>

<b>RECOMMENDATION</b>
Planning permission be granted with conditions

## 1. THE SITE AND SURROUNDINGS

- 1.1 5 Thorpe View, is a modern, detached house, situated in a residential area, in the south-eastern part of Ashbourne. It is situated on a corner plot, at the junction with Booth Drive.



## 2. DETAILS OF THE APPLICATION

- 2.1 The proposal is for a lean-to rear extension, measuring 1.9m x 1.4m of a height of 1.1m to eaves and 1.7m to the ridge. The extension would extend the existing dining room adjacent to the north eastern boundary with Booth Drive.

## 3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan (2017):

PD1: Design and Place Making  
HC10: Extensions to Dwellings

- 3.2 Other:

National Planning Policy Framework (2023)  
National Planning Practice Guidance  
Ashbourne Neighbourhood Plan

## 4. RELEVANT PLANNING HISTORY

11/00776/FUL	Conversion of double-garage to single-garage and reception room.	Approved
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## 5. CONSULTATION RESPONSES

- 5.1 Town Council:  
No objection.

## 6. REPRESENTATIONS RECEIVED

- 6.1 Cllr. Bates – No objection.

## 7. OFFICER APPRAISAL

- 7.1 Policy PD1 of the Adopted Derbyshire Dales Local Plan requires development to be of a high quality design that respects the character, identity and context of townscapes and landscapes; and requires development that contributes positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials, the relationship to adjacent buildings and incorporating well integrated car parking. Policy PD1 also requires development to achieve a satisfactory relationship to adjacent

development and to not cause unacceptable effects by reason of visual intrusion, overlooking, overshadowing, overbearing effect, noise, light pollution, or other adverse impacts on local character and amenity.

- 7.2 Policy HC10 of the Adopted Derbyshire Dales Local Plan requires that the plot size is large enough to accommodate the extension without resulting in a cramped or overdeveloped site; and that the height, scale, form and design of the extension is in keeping with the scale and character of the original dwelling and the sites wider setting and location.
- 7.3 The main issues to assess are the impact that the proposal will have on the character and appearance of the main property and surrounding area together with any impacts on the residential amenity of neighbouring properties.
- 7.4 The rear boundary of the property is enclosed by a 2m high curved wall and the extension due to its height and size would appear in character with the existing property. The neighbouring property to the north west has a side elevation adjacent to the boundary and due to the distance and screening on the boundary there would be limited impacts on the residential amenity of this property, in accordance with Policy PD1.
- 7.5 The proposal is not considered to appear disproportionate with the scale and design of the existing property and would not have an adverse impact on the residential amenity of neighbouring properties. It is not considered to have a detrimental impact on the surrounding area. A recommendation of approval is put forward on this basis.

## **8. RECOMMENDATION**

### **8.1 Planning permission be granted with 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 be carried out in accordance with the submitted planning application form and location plan, block plan, elevations and floorplan, received by the Local Planning Authority on 2<sup>nd</sup> February 2024.

Reason:

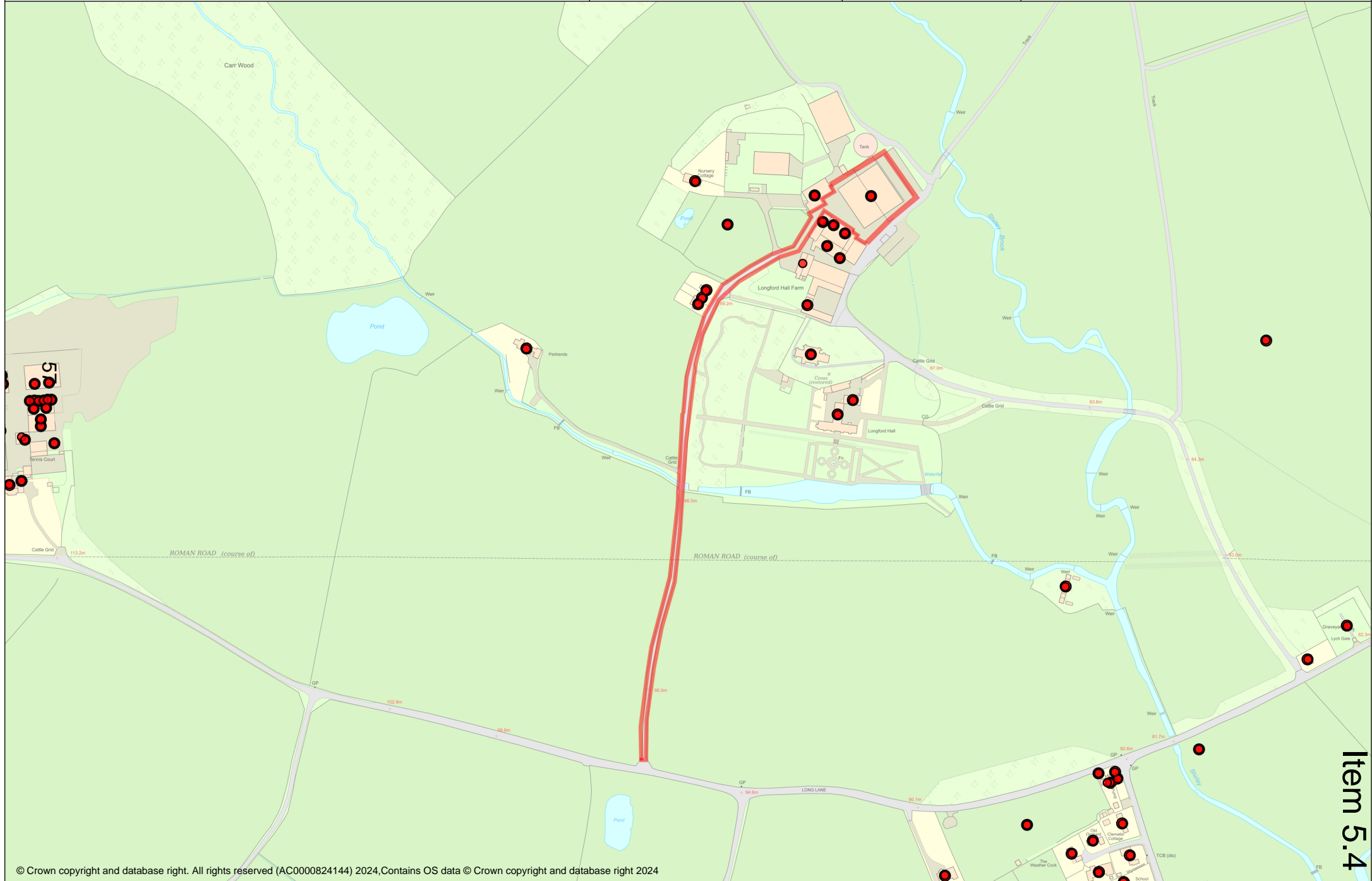
For the avoidance of doubt.

## **9. NOTES TO APPLICANT:**

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

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Item 5.4

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<b>APPLICATION NUMBER</b>		23/01284/FUL	
<b>SITE ADDRESS:</b>		Longford Hall Farm, Long Lane, Longford, Derbyshire	
<b>DESCRIPTION OF DEVELOPMENT</b>		Change of use of 2no. agricultural buildings to commercial use (Class E, B2 and B8) [Part Retrospective]	
<b>CASE OFFICER</b>	Mr. G. A. Griffiths	<b>APPLICANT</b>	Ms L Wolfenden
<b>PARISH</b>	Longford	<b>AGENT</b>	Planning Design Practice Ltd
<b>WARD MEMBERS</b>	Cllr. G. Bond.	<b>DETERMINATION TARGET</b>	8 <sup>th</sup> March 2024
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	Major Application	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	Deemed unnecessary as main consideration is Policy principle

<b>MATERIAL PLANNING ISSUES</b>
<ul style="list-style-type: none"> <li>• Principle of development</li> <li>• Impact on the Character, Appearance and Setting of Listed Buildings and Longford Conservation Area</li> <li>• Highway Matters</li> <li>• Amenity</li> <li>• Ecology and Biodiversity</li> <li>• Climate Change</li> </ul>

<b>RECOMMENDATION</b>
That planning permission be granted subject to conditions.

## 1. THE SITE AND SURROUNDINGS

- 1.1 The buildings, the subject of this application, are located on Longford Hall Farm. The farm extends to approximately 250 hectares and has been farmed historically both for arable crops and with a dairy herd. The dairy operation has recently ceased. Immediately to the south of the farm group, but in separate ownership, is Longford Hall (Grade II\*) and the Grade I Parish Church. The farm has two points of access from Long Lane, with the westernmost one used predominantly for farm traffic. The listed buildings under the control of Longford Hall Farm comprise a Grade II\* stable block / coach house which abuts the application site immediately to the south, a Grade II\* '1760' barn which is adjacent the to the recently clad building 1, the Gardeners Cottage (Grade II), Grade II gas works, Grade II kitchen garden walls and the Grade II cowshed.
- 1.2 The farming operation extends into modern buildings to the north east of the core of listed buildings and Longford Conservation Area creates an envelope around these buildings.



## **2. DETAILS OF THE APPLICATION**

- 2.1 Planning Permission (ref: 20/00120/FUL) has previously been granted for a change of use of other agricultural buildings at the property to 5 no. commercial units (B1, B2 and B8 use classes) and associated external alterations (part retrospective). The proposal is the next phase in the future planning of the farm diversification scheme to fund the renovation of the Listed barn complex.
- 2.2 The applicant has run the Longford Hall Farm for many years and due to the modernising of farming methods and machinery, the applicant is able to consolidate the farming activities within the remaining agricultural buildings within the site. The current planning application is for the change of use of two agricultural buildings to commercial use and associated building operations. One of the units is currently used for storage, the other is a cow shed but there are sufficient agricultural buildings on the farm to ensure that the storage needs are met and the farm can continue to operate.
- 2.3 The proposal is for up to 4 commercial units, three within Building 1 and an additional unit in Building 2. Minor alterations are also proposed to Building 2, which will see a single roller shutter door included on the front elevation and the existing cladding to be continued, in order to enclose the barn completely.
- 2.4 This planning application forms part of, and aims to support, a wider scheme of farm diversification, which seeks to future-proof the enterprise and protection of the listed building through pursuit of variety of revenue streams rather than reliance solely on the farm. The buildings are no longer required for the farming operations on site and the applicant seeks to utilise the buildings in such a way that will enable funds to be raised to maintain the heritage assets that are located within the farm. Some of this revenue will be used to help fund the upkeep and maintenance of the listed farm complex, which is in varying degrees of disrepair.
- 2.5 The existing buildings are advised to be structurally sound. Alterations to Building 1 were completed in order to provide better pest protection and security whilst the building was in agricultural use, rather than being completed in preparation for commercial use. The applicant advises that the units will offer a secure, dry facility in which goods can be stored safely. They would also be suited for other business use and it is therefore considered that a flexible B1, B2, and B8 use will provide the most viable opportunity for the buildings.

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

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

S1	Sustainable Development Principles
S4	Development in the Countryside
S9	Rural Parishes Development Strategy
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
HC19	Accessibility and Transport
HC21	Car Parking Standards
EC1	New Employment Development

EC3 Existing Employment Land and Premises  
 EC5 Regenerating an Industrial Legacy  
 EC10 Farm Enterprise and Diversification

- 3.2 Derbyshire Dales District Council Climate Change Supplementary Planning Document (2021)
- 3.3 Derbyshire Dales District Council Landscape Character and Design Supplementary Planning Document (2018)
- 3.4 National Planning Policy Framework
- 3.5 National Planning Practice Guidance

#### 4 RELEVANT PLANNING HISTORY

0889/0743	Cattle Building	Granted	10/10/1989
0295/0065	erection of dairy/parlour and grain store to replace existing	Granted	25/04/1995
0197/0061	erection of livestock building	Granted	21/03/1997
0197/0060	erection of livestock building	Granted	13/03/1997
06/00411/FUL	Refurbishment and alterations of stable block to form 3 no. apartments, change of use of garage and former ballroom to form 2 no. apartments and external alterations	Granted	27/02/2007
06/00412/LBALT	Alterations to listed building - Refurbishment and alterations of stable block to form 3 no. apartments, conversion of garage and former ballroom to form 2 no. apartments and external alterations	Granted	13/02/2007
10/00082/EXF	Extension of Time Limit - Refurbishment and alterations of stable block to form 3 no. apartments, change of use of garage and former ballroom to form 2 no. apartments and external alterations	Granted	31/03/2010
10/00083/EXL	Extension of Time Limit - Alterations to listed building to include refurbishment and alterations of stable block to form 3 no. apartments, conversion of garage and former ballroom to form 2	Granted	31/03/2010

	no. apartments and external alterations		
18/00742/FUL	Redevelopment of farm outbuildings to create six holiday lets and five B1/B8 use units	Granted	13/11/2018
18/00743/LBALT	External and internal alterations to facilitate conversion	Granted	13/11/2018
20/00120/FUL	Change of use of agricultural buildings to 5no. commercial units (B1, B2 and B8 use classes) and associated external alterations (part retrospective)	Granted	17/07/2020

## 5 CONSULTATION RESPONSES

### Parish Council

- 5.1 - no objection
- please note the location plan shows the Church, Churchyard and Longford Hall in ownership of Longford Hall Farm, which is incorrect
  - an application to divert FP3 needs to be in place before planning permission is granted
  - passing places required on the access drive
  - nestboxes should be installed
  - noise needs to be managed.

### Environment Agency

- 5.2 - development falls within flood zone 1 and therefore 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.

### Local Highway Authority (Derbyshire County Council)

- 5.3 - have previously commented on application 20/00120/Ful which was also for other agricultural building being converted to commercial use
- no highway objections were raised subject to visibility at the access and passing places being provided
  - would like to ensure these improvements are provided and conditioned as part of this application unless you consider they are already suitably secured
  - note requested to be attached to any consent granted that the application site is affected by several Public Rights of Ways (Footpaths number 4,5,6, 8 Longford on the Derbyshire Definitive Map) and that the routes must remain unobstructed 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.

### Public Rights of Way (Derbyshire County Council)

- 5.4 - Longford Public Footpaths No. 3, No. 8, No. 6, No. 4 and No. 5 are all in some way affected by the proposals
- either run through or adjacent to the proposed development site, or connect to it

- Longford Public Footpath No. 3 is currently obstructed by barns, and has been for some time
- understand that there was an intention to divert the footpath when one of the barns was built but it was never legally diverted and is therefore now obstructed by a barn that is the subject of this application
- seems that the line of the path on the ground may have been unofficially diverted, but the legal line will remain as it is until such time as a public path order takes effect
- as it is an offence to obstruct a public right of way, this situation must be remedied
- if planning approval is to be granted, a condition should be added stipulating that an acceptable diversion application must be submitted to DCC PROW within an agreed time period - will need to be a Highways Act 1980 Section 119 application, as the barn already exists
- if a condition of this nature is not possible, then the Rights of Way Section must object to the proposals on the grounds that the barn in question is obstructing a public right of way, which is an offence
- advise on footnotes.

#### Peak and Northern Footpaths Society

- 5.5
- strong objection
  - can see nowhere in the documents can that the current buildings obstruct the definitive, legal route of Longford Footpath 3
  - on the application form it is stated that no diversions of public rights of way are required - this is obviously wrong
  - the footpath must be diverted onto a route suitable for walkers which meets the tests of the relevant legislation
  - Longford Footpath 8 runs adjacent to the buildings and it would be desirable for this to be diverted away from the buildings so that the use of the footpath was more enjoyable for the public.

#### Ramblers Derbyshire Dales Group

- 5.6
- object as Longford FP 3 is obstructed by a barn and this obstruction should be resolved before planning permission is given
  - a diversion may be acceptable and PRow should be consulted for advice
  - once the above is satisfactorily resolved and FP 3 is open and walkable, the objection would be withdrawn
  - Longford FPs 3, 4, 5, 6 and 8 should remain unaffected at all times, including the path surface, both during and after any development
  - consideration should be given to the safety of members of the public using the Right of Way both during and after the proposed works
  - any encroachment of the path would need consultation and permission with/from the DCC Rights of Way Team

#### Historic England

- 5.7
- not offering advice but suggest seeking the views of DDDC specialist conservation and archaeological advisers.

#### Development Control Archaeologist (Derbyshire County Council)

- 5.8
- proposals will have no archaeological impact.

#### Environmental Health (Derbyshire Dales District Council)



- 5.9 - no objections to B1 or B8 use with a restriction of normal working hours for collection or delivery of items for the B8 use
- should B2 used be planned, then consideration should be given to noise from this activity and also what insulation may be required to the relevant building
  - recommend conditions with respect to no deliveries or despatches shall be made to or from the site, and no delivery or despatch vehicles shall enter or leave the site (whether laden or unladen), before the hours of 0800 nor after 1800 Monday to Saturday, or at all on Sundays and Public Holidays
  - in relation to B2 use, recommend condition that before use of the development commences, a noise mitigation scheme shall be submitted in writing and approved in writing by the Local Planning Authority detailing measures that will be implemented to ensure that any noise associated with the development does not cause detriment to amenity or a nuisance, especially to those living and working in the vicinity.

### Derbyshire Wildlife Trust

- 5.10 - currently no records of protected species or notable habitats on site
- site is not covered by statutory or non-statutory nature conservation designation.
  - records of bird species such as house martin (2021), whitethroat (2018) and lapwing (2018) are present in the parkland adjacent to the site at Longford Hall but are unlikely to be affected by these proposals
  - works have already been completed in Unit 1 (metal cladding barn) for pest protection and security, but not in preparation for commercial use - consider this building as unlikely to support roosting bats
  - consider Unit 2 (timber cladding barn) to offer some bat roosting potential but as the structure of the building is retained, and alterations will be relatively minor, do not consider a roost assessment to be necessary in this instance
  - the development is unlikely to have an adverse impact on biodiversity but recommend the informative and conditions.

## **6 REPRESENTATIONS RECEIVED**

6.1 None

## **7 OFFICER APPRAISAL**

### Principle of Development

- 7.1 The main issues in relation to this application are the impacts on the heritage assets and the benefits to them in terms of farm diversification revenue to fund their restoration. The applicant advises, as with previous planning permissions, that the revenue from the proposed change of use would be used to fund the upkeep and maintenance of the listed farm complex. The existing buildings are advised to be structurally sound and their conversion is considered to represent a cost effective way to generate an income.
- 7.2 The site is located within the countryside and involves the change of use of existing agricultural buildings to B1, B2 and B8 uses. Policy S4 (Development in the Countryside) states that planning permission will be granted for the conversion of an existing building for employment use, provided it is appropriate to its location and does not have an adverse impact on the character and appearance of the rural area and comprises enabling development that is requires to maintain a heritage asset. Any conversion should also involve a building that positively contributes to an established local character and sense of place. The Policy also advises that safe access should be provided and that traffic generation should not cause sever impacts or require improvements to rural roads that would be detrimental to their character.

- 7.3 Policy EC1 (New and Existing Employment Development) supports farm diversification and other development that supports the rural economy. Policy EC10 (Farm Enterprises and Diversification) states that development which forms part of a farm diversification scheme will be permitted where the proposal can demonstrate the viability of farming through helping to support, rather than replace or prejudice, farming activities on the rest of the farm. This Policy also requires the proposed development to stimulate economic activity with a use compatible with its location, which maintains the relative sustainability of a rural area, does not generate traffic inappropriate to rural roads and makes full and effective use of existing buildings.

#### Impact on the Character, Appearance and Setting of Listed Buildings and Longford Conservation Area

- 7.4 Whilst the application buildings do not make a positive contribution to the local character, their conversion would directly benefit the important listed buildings that are at risk of deterioration or loss of fabric. Policy PD2 requires development proposals impacting on heritage assets, such as listed buildings and Conservation Areas, to demonstrate how the proposal has taken account of their local distinctive character and setting and how this has been reflected in the layout, design, form, scale, mass, use of materials and detailing. In relation to developments that affect a heritage asset and/or its setting.
- 7.5 The National Planning Policy Framework (NPPF) also states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to its conservation, and the more important the asset, the greater the weight should be given (paragraph 199). Whilst some are given equal importance, no other planning concern is given a greater sense of importance in the NPPF. Any harm or loss to significance 'should require clear and convincing justification' (paragraph 200).
- 7.6 To this end, there could be considered to be some harm to the setting of the listed buildings. However, the application buildings currently exist and the modifications would be deemed to be of less than substantial harm. However, this does not equate to acceptable harm and requires clear and convincing justification and must be considered against the public benefits associated with the scheme. To this end, the proposed conversions are part of a wider scheme to diversify the farm and enabling works for the listed buildings on site and the income from the industrial units would both enable the repair works. The development would also allow potential employment opportunities. As such, the proposal is considered to have public benefits and is considered compliant with Policy PD2 and the guidance within the NPPF.

#### Highway Matters

- 7.7 Condition 16 and 17 of planning permission 18/00742/FUL required visibility splays at the access and passing places along the access track to be completed prior to the occupation of the holiday lets. The Local Highway Authority has also previously commented on application 20/00120/FUL, which was for other agricultural buildings being converted to commercial use. No highway objections were raised subject to visibility at the access and passing places being provided.
- 7.8 The Local Highway Authority advise that they would like to ensure these improvements are provided and conditioned as part of this application, unless it is otherwise considered they are already suitably secured. Whilst a visibility splay is evident, it is unclear as to whether this meets the Local Highway Authority's requirements and passing places do not appear to have been provided as previously advised. As such, it is considered reasonable to repeat the previous conditions but to place a time constraint to ensure that these are provided.

#### Public Right of Way

- 7.9 Derbyshire County Council's Public Rights of Way Section advise that Longford Public Footpath No. 3 is currently obstructed by barns, and has been for some time. It is understood that there was an intention to divert the footpath when one of the barns was built but it was never legally diverted and is therefore now obstructed by a barn which is the subject of this application.
- 7.10 As it is an offence to obstruct a public right of way, it is advised that this situation will need to be remedied. Therefore, it is requested that, if planning permission is granted, a condition should be added stipulating that an acceptable diversion application must be submitted to the County Council within an agreed time period. It is further advised that, if a condition of this nature is not possible, then the Rights of Way Section must object to the proposals on the grounds that the barn in question is obstructing a public right of way, which is an offence.
- 7.11 However, it is not in the remit of granting a planning permission to attach a condition to it that such is undertaken, given that this is a separate legal matter under highways legislation. Therefore, such a condition could not reasonably and lawfully be enforced by the Local Planning Authority if there were to be a breach to such a condition. To this end, it is considered reasonable, with any grant of planning permission, to attach a footnote to the applicant to make them aware of this matter.

#### Amenity

- 7.12 There is a terrace of three residential properties that share the access of the farm and are at the entrance to the farm complex to the south west. Whilst the traffic associated with the conversion is advised to be acceptable from a highways perspective, it is considered that hours of use of deliveries should be restricted in the interests of the residential amenity of these properties and that this can be secured by condition.

#### Ecology and Biodiversity

- 7.13 Derbyshire Wildlife Trust have assessed the proposals and note that works have already been completed in Unit 1 (metal cladding barn) for pest protection and security, but not in preparation for commercial use. However, it is considered this building is unlikely to support roosting bats. It is considered that the timber clad, Building 2 offer some bat roosting potential but, as the structure of the building is retained, and alterations will be relatively minor, DWT do not consider a roost assessment to be necessary in this instance and that the development is unlikely to have an adverse impact on biodiversity but recommend the conditions be attached to secure a bat box and no development to take place in the bird breeding season unless otherwise agreed.

#### Climate Change

- 7.14 The applicants make no reference to Policy PD7 (Climate Change) which seeks to mitigate against the carbon footprint of any development and guidance is also contained in the District Council's Climate Change Supplementary Planning Document (2021). Nevertheless, there would be opportunities to address such matters in the conversion and it is considered reasonable to attach a condition that measures to mitigate the carbon footprint of development be submitted to and approved in writing by the Local Planning Authority.

#### Conclusion

- 7.15 The proposal has two principal benefits; one is in relation to the viability of the existing agricultural enterprise and another is in securing the repair and conversion of the listed buildings within the farm complex that are on Historic England's the 'Buildings at Risk'

register. The proposals would also present opportunities for employment generation. To this end, the proposals would be compliant with the aims of Policies S1, S4, S9, PD1, PD2, PD2, PD5, EC1 and EC10 of the Adopted Local Plan (2017) and it is recommended that planning permission be granted subject to conditions.

## 8 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 be undertaken in accordance with Drawing Nos. 4395 – 001, 003, 006A Rev. B and 007 received on 7<sup>th</sup> December 2023 except insofar as may otherwise be required by other conditions to which this permission is subject.

Reason:

To define the permission for the avoidance of doubt and to ensure the satisfactory appearance of the development to comply with Policies S1, S4, PD1, PD2 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

3. The materials to be used in the cladding of Building 2, and the door details and colour, shall match those of Building 1 unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure the satisfactory appearance of the development to comply with Policies S1, S4, PD1, PD2 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

4. Within six months of the date of this permission, the existing access onto Long Lane shall be modified to provide visibility splays of 2.4m x 103m, the area in advance maintained free from any obstructions exceeding 1m (600mm if vegetation) relative to the adjacent carriageway channel level, throughout the life of the development.

Reason:

For the avoidance of doubt that such works are necessary in the interests of highway safety in accordance with Policy HC19 of the Adopted Derbyshire Dales Local Plan (2017).

5. Within six months of the date of this permission passing bays shall be provided along the access road from Long Lane in accordance with details to be submitted to and approved in writing by the Local Planning Authority and, once formed, shall be retained thereafter free from any obstructions to their designated use for the life of the development.

Reason:

For the avoidance of doubt that such works are necessary in the interests of highway safety in accordance with Policy HC19 of the Adopted Derbyshire Dales Local Plan (2017).

6. The premises, the subject of this permission, shall not be taken into use until on-site car parking and manoeuvring space has been provided in accordance with the application drawings.

Reason:

To ensure adequate parking provision in the interests of highway safety in accordance with Policy HC21 of the Adopted Derbyshire Dales Local Plan (2017).

7. No deliveries or despatches shall be made to or from the site, and no delivery or despatch vehicles shall enter or leave the site (whether laden or unladen), before the hours of 0800 nor after 1800 Monday to Friday, 08.00 - 13.00 on Saturday with no operations on Sundays or bank holidays.

Reason:

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

8. Before any building is brought into a Class B2 use, a noise mitigation scheme shall be submitted and approved in writing by the Local Planning Authority detailing measures that will be implemented to ensure that any noise associated with the development does not cause detriment to amenity or a nuisance, especially to those living and working in the vicinity.

Reason:

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

9. Prior to Building 2 being reclad, measures to mitigate against the carbon footprint of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. These mitigation measures shall thereafter be provided prior to Building 2 being brought into use.

Reason:

To mitigate against the carbon footprint of the development to comply with Policy PD7 of the Adopted Derbyshire Dales Local Plan (2017) and guidance contained in the District Council's Climate Change Supplementary Planning Document (2021).

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

Reason:

To safeguard protected species to comply with Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

11. Prior to the buildings first being brought into use, at least one external woodcrete/woodstone bird box shall be installed in a suitable location on the building, close to eaves level and avoiding south facing elevations. Evidence that these measures have been implemented shall thereafter be submitted to the Local Planning Authority for approval within one month of completion of development.

Reason:

In the interest of biodiversity enhancement to comply with Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

## **NOTES TO APPLICANT:**

1. Derbyshire County Council Public Rights of Way Section advise the following:

Longford Public Footpaths No. 3, No. 4, No. 5, No. 6 and No. 8 are all in some way affected by the proposals. They either run through or adjacent to the proposed development site or connect to it. Longford Public Footpath No. 3 is currently obstructed by barns and has been for some time. It is understood that there was an intention to divert the footpath when one of the barns was built. However, it was never legally diverted and is therefore now obstructed by a barn that is the subject of this application.

It seems that the line of the path on the ground may have been unofficially diverted, but the legal line will remain as it is on the attached plan, until such time as a public path order takes effect. As it is an offence to obstruct a public right of way, this situation must be remedied. An acceptable diversion application must be submitted to DCC PROW. It will need to be a Highways Act 1980 Section 119 application, as the barn already exists. The Applicant is also advised of the following:

- The footpaths must remain open, unobstructed and on their legal alignments wherever possible, and on their used routes where not.
  - There should be no disturbance to the path surfaces without prior authorisation from the Rights of Way Section.
  - Consideration should be given to the safety of members of the public using the paths during any works. A temporary closure of paths will be permitted on application to DCC where the path(s) remain unaffected on completion of the development.
  - There should be no encroachment of the paths, and no fencing should be installed without consulting the Rights of Way Section.
  - Information on applying for a diversion can be found on the following link. Public Path Orders - Derbyshire County Council Pre application advice is also available, if requested.
2. Precautionary Informative (Bats) - Works should proceed with caution and vigilance for any unexpected bat presence. As a precautionary measure, Derbyshire Wildlife Trust advise employing a sensitive placement of the proposed additional timber cladding. If any roosting bats are discovered, works should cease immediately and a suitably qualified ecologist should be contacted for advice.
  3. 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 £145.00 per request. The fee must be paid when the request is made and cannot be required retrospectively.

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

Drawing Nos. 4395 – 001, 003, 006A Rev. B and 007 received on 7<sup>th</sup> December 2023  
Planning Statement received on 7<sup>th</sup> December 2023.

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**NOT CONFIDENTIAL** - For public release

PLANNING COMMITTEE – 16 January 2024

**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
ENF/22/00119	Tythe Barn Close, Hob Lane, Kirk Ireton	WR	Appeal being processed
22/00212/FUL	38-40 St John Street, Ashbourne	WR	Appeal being processed
22/00213/LBALT	38-40 St John Street, Ashbourne	WR	Appeal being processed
22/00731/LBALT	Bradley Hall, Yew Tree Lane, Bradley	WR	Appeal being processed
ENF/22/00142	Land at Magfield Farm/Land to the east of Timber Farm, Hulland Village	WR	Appeal being processed
23/00472/FUL	Land To North East, Brailsford Water Mill, Mill Lane, Brailsford	WR	Appeal Dismissed – Copy of decision attached
23/00450/LBALT	45 St John Street, Ashbourne	WR	Appeal being processed
23/00107/FUL	Walton House, Town Street, Brassington	WR	Appeal being processed
22/01339/FUL	Lot 2, Leys Farm, Wyaston Road, Ashbourne	INQ	Appeal being processed
23/00025/FUL	Land East Of, Turlowfields Lane	WR	Appeal being processed
23/00829/FUL	Collycroft Cottage (Sessions), Collycroft Hill, Clifton	WR	Appeal being processed
Central			

22/00772/OUT	Land opposite The Homestead, Whitworth Road, Darley Dale	WR	Appeal being processed
ENF/23/00037	Land south of Yeats Lane, Cromford	WR	Appeal being processed
T/22/00155/TPO	65 Lime Tree Road, Matlock	HEAR	Appeal being processed
ENF/23/00032	Spitewinter Farm Oakerthorpe Road, Bolehill, Wirksworth	WR	Appeal being processed
23/00149/FUL	Land at rear of 7 Malpas Road, Matlock	WR	Appeal being processed
22/011111/VCOND	Sunnybank, Whitelea Lane, Tansley	HEAR	Appeal being processed
23/00511/FUL	Bumper Castle Farm, Darley Dale	WR	Appeal being processed
23/00418/FUL	Land Adjacent 11, Little Bolehill, Bolehill	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.



# Appeal Decision

Site visit made on 4 January 2024

**by K Savage BA(Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 16<sup>th</sup> February 2024**

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**Appeal Ref: APP/P1045/W/23/3326936**

**Land to the North East of Brailsford Water Mill, Mill Lane, Brailsford, Derbyshire, Easting: 424435 Northing: 342126**

- 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 Mrs Victoria Stokes against the decision of Derbyshire Dales District Council.
  - The application Ref 23/00472/FUL, dated 4 May 2023, was refused by notice dated 6 July 2023.
  - The development proposed is installation of 3 camping pods, a parking area and erection of a replacement stable block.
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. A new version of the National Planning Policy Framework (the Framework) was published on 19 December 2023. The parts of the Framework most relevant to the appeal have not substantively changed from the previous iteration. Consequently, this update does not fundamentally alter the main parties' cases, and it is not necessary to seek further comments. References hereafter in the decision to the Framework are to the December 2023 version.

## Main Issues

3. The main issues are:
  - whether the proposal represents a suitable location for tourist accommodation, having regard to relevant local and national policy and the accessibility of the site to local services and facilities;
  - the effect of the proposal on the character and appearance of the area;
  - the effect on the setting of designated heritage assets;
  - the effect of the proposal on the living conditions of neighbouring occupants.

## Reasons

### *Location for Development*

4. The appeal site comprises an agricultural field containing a stable block located off Mill Lane, a rural road with a number of detached residential dwellings set in spacious grounds. Most notable of these is the Grade II listed Brailsford Mill, now a private residence, which lies to the south-west and is within the same

- ownership as the appeal site. The mill pond and mill race, formerly part of the mill's infrastructure, are adjacent to the western side of the appeal site.
5. The site lies within the open countryside for planning purposes. Policy S4 of the Adopted Derbyshire Dales Local Plan 2017 (the DDLP) relates to development in the countryside and supports the sustainable growth of tourism or other rural based enterprises in sustainable locations where identified needs are not met by existing facilities. Policy EC1 supports new business development in sustainable locations that contribute toward the creation and retention of jobs and employment opportunities. Policy EC8 supports new tourist provision and initiatives 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.
  6. Policy EC9 specifically addresses proposals for holiday chalet, caravan and campsite developments. It sets a number of criteria relating to landscape character; natural screening; appropriate scale of on-site facilities; the amenity, tranquillity and enjoyment of adjacent areas; and that 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.
  7. The site is around 1.2km from the edge of Brailsford, which has a limited number of services which may be used by visitors, including a shop/post office, gift shop, coffee shop, public house, beauty salon and medical centre. A golf course is located just beyond the village to the east. There are also fishing lakes to the opposite side of the A52 and a public house a short distance beyond in the village of Ednaston.
  8. Each of these facilities would be technically reachable on foot or bicycle by visitors to the proposed facility, although the centre of Brailsford is closer to 1.5km and the public house is around 1.9km, which would take at least 20-25 mins on foot. However, the route to Brailsford is along a narrow footway to the side of the busy A52 and includes a long incline that would add to walking times. Such conditions and distances are not conducive to regular trips, particularly for those less physically able, families with small children or those seeking to return with provisions. Similar issues would exist in relation to the public rights of way across fields in the area.
  9. The fishing lakes and Yew Tree public house in Ednaston would be closer at around 500m and 1km respectively, equating to walking times of around 7 and 14 mins, the appellant's suggestion of 8 minutes to the pub being something of an underestimate. However, although the route to these facilities would be flatter, it would still require crossing the A52 and walking along unlit roads with no footpaths, which is similarly likely to discourage many visitors from choosing to walk or cycle, particularly during hours of darkness or inclement weather, and many will choose to use the private car instead.
  10. There is a bus service between Uttoxter, Ashbourne and Derby available on the A52 within a 10 minute walk along the lightly trafficked Mill Lane. The service is roughly hourly between 6.30am and 6.30pm, with later services to as late as midnight Monday to Saturday and a daytime service on Sundays and bank holidays. Considering the rural location, this represents a good level of service and would enable visitors to avail of facilities in Derby into the evening. The

potential availability of a community bus is a further option, albeit not one likely to offer as regular or as extensive a service as the scheduled bus.

11. The appellant refers to a development approved by the Council at Hognaston as comparable in terms of its location relative to local facilities and services. In that case, the proposal was located within some 200m or a 4 minute walk of the centre of the village, along lightly trafficked lanes. The appellant also refers to other proposals granted permission by the Council at Bradbourne and Marston Montgomery, but I have no details of these permissions and thus I am unable to ascertain whether they present comparable circumstances to the appeal before me.
12. I acknowledge that for tourism facilities such as that proposed, their attraction lies in factors such as a quiet environment, proximity to nature and countryside views. I am not persuaded that the site's location would encourage regular walking or cycling by visitors to local facilities due to the distances and conditions involved. However, the proposal is located with good access to the main highway network along the A52 and to the public rights of way network. The site is also located within a safe, attractive, ten minute walk of regular public transport services. In these respects, the proposal would satisfy the requirements of Policy EC9(d) and, in general terms, the proposal would offer sufficient options for sustainable modes of transport that visitors would not be wholly reliant on the private car to travel. This would accord with the Framework's recognition that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and that sites for rural development may have to be found adjacent to or beyond existing settlements.
13. I therefore conclude that the proposal would accord with the criteria of Policy EC9(d) and the approach of the Framework to accessibility in rural areas.

#### *Character and Appearance*

14. The appeal site is accessed from a short lane off Mill Lane that also serves as the entrances to Brailsford Mill and adjacent dwellings to the south-west. There is tree cover between Mill Lane and the appeal site which filters views of the existing field. A further tree line extends along the western boundary of the site adjacent to the route of the mill race. The topography of the site rises away from the mill race. A stable building stands next to the field entrance and close to the boundary with the neighbouring dwelling, Elldan Grove. A public footpath, No 17, runs through the site and would be diverted slightly as a result of the proposed development.
15. The site lies within the Needlewood and South Derbyshire Claylands Landscape Character Area, partly within the Settled Farmlands landscape character type and partly within the Riverside Meadows landscape character type. The surroundings of the appeal site exhibit a number of the key characteristics of this landscape, including gently undulating rolling lowlands dissected by minor stream valleys, seasonal waterlogged soils, dairy farming on permanent pasture with localised arable cropping, small woodland blocks, dense lines of trees along streams, small to medium size semi-regular and strip fields enclosed by hedgerows, winding lanes and small clusters of red brick and Staffordshire blue clay tile farms and cottages.
16. The existing residential development along Mill Lane is rural in character and concentrated along the road in a typical, linear pattern. Beyond this limited

depth of development along Mill Lane, the surroundings become open countryside. This natural character is clearly experienced upon entering the appeal site along the route of the public footpath, as one crosses an open field with views of the expansive land to the north-west emerging in glimpses through the trees on approach to the crossing over the mill race. Consequently, although adjacent to dwellings on Mill Lane, I consider the appeal site to relate principally to the broader countryside beyond.

17. The proposed pods would be located to the northern end of the field, resembling small barns with rounded roofs and timber facades. A hard surfaced area for car parking and turning would occupy the southern part of the site, between the access point and the mill pond. The existing stable block to the eastern side of the site would be rebuilt to a slightly larger size. The Council does not oppose this element of the proposal, and I have no reasons to disagree, given the limited difference in size and that it would be a functional rural building commonly seen in countryside settings.
18. The design intent of the pods is stated to be to assimilate into rural environments. However, their installation would require engineering works to cut into the sloping ground to provide a level base, which would visibly detract from the sloping topography of the site. Moreover, alongside the activity from occupants, the pods are likely to be attended by visitor paraphernalia when in use, such as outdoor seating, bicycles and equipment, which would make them stand out as tourist accommodation rather than unassuming rural buildings.
19. In the context described above, the pods would represent isolated and anomalous features placed conspicuously in an open field. They would intrude directly into the view from the public footpath and would undermine appreciation of the emerging open countryside. The parking area would also add an uncharacteristic, urbanising element that would further detract from the natural character of the site. The fact that the public footpath would have to divert around the car park would add to its intrusive impact, and the presence of the footpath would negate the possibility of landscaping screening the site from public viewpoints, as required by Policy EC9(b).
20. The pods would also be visible in longer distance views across the landscape from the higher ground to the south-east along the path of public footpath No 16. Although they would be seen in the same vista as the dwellings on Mill Lane in the foreground and other limited built form in the distance, they would detract from the natural character of the landscape due to their detached position unconnected with other development.
21. For these reasons, I find that the proposed development would cause significant harm to the landscape character of the area, contrary to Policies PD1 and PD5 of the DDLP which require high quality design that respects the character, identity and context of the Derbyshire Dales landscapes. There would also be conflict with the requirements of Policies EC1, EC8, EC9(a) and (b) and S4 that new business development does not harm the character, appearance or environment of the site or its surroundings.

#### *Effect on Designated Heritage Assets*

22. Brailsford Mill is Grade II listed, dating from the late 17<sup>th</sup> century, along with the adjacent mill pond and mill race. Its heritage significance derives from it being a surviving example of a mill from this period, with the mill pond

- and mill race being notable features still evident. This surviving mill infrastructure has demonstrable historic and architectural interest evoking the long history of farming and milling in the area.
23. The setting of the mill is a primarily natural one, being enclosed by trees which screen long distance views. Whilst there has been subsequent residential development along Mill Lane, other dwellings are well filtered by the tree cover and do not encroach upon the view from the mill over the pond. Moreover, the wider, undeveloped land to the north and west of the mill is clearly visible from the top of the pond and along the mill race. This forms an important aspect of the mill's setting by still reflecting the rural character of the area when the mill was constructed. The appeal site forms part of this rural aspect to the north from the mill and an immediate part of the setting of the mill pond and race.
24. The proposed pods would occupy positions next to the mill race. As already set out, they would introduce uncharacteristic features that would erode the open, natural character that exemplifies the setting of the heritage asset, in particular by intruding into views from the mill across the pond, and at close range from the public footpath running alongside and crossing the mill race. The proposed tourism development would become the focal point of the site, diminishing the presence of the mill race and undermining appreciation of the wider complex of the mill and its surviving hydrological infrastructure.
25. The appellant refers to an appeal decision<sup>1</sup> in support of his position. However, I have no details of this case beyond the decision letter itself, although I note reference to 'extensive development' carried out in the surroundings of the listed building, which indicates a material difference from the proposal before me. This aside, the assessment of impact on the setting of a listed building necessarily involves planning judgement on the site-specific facts in each case. Consequently, this other decision is not decisive to my reasoning and I have considered the appeal scheme on its own planning merits.
26. For the above reasons, I find that the proposed development would cause harm to the heritage significance of the listed mill and its related infrastructure, through development in its setting. This would conflict with Policy PD2 of the DDLP, which seeks to conserve heritage assets in a manner appropriate to their significance. Having regard to the Framework, the harm in this case would be less than substantial, but nevertheless of considerable importance and weight. It is necessary therefore to weigh this harm against potential public benefits of the proposal.
27. The appellant points to the proposal helping to secure the ongoing and future maintenance of the mill race, sluice and pond, with a management plan for works proposed by condition. However, whilst I accept that some level of maintenance will be required to these features, the evidence before me does not establish that they are at risk or that the works required to maintain them are particularly onerous or expensive. Neither does the evidence set out any financial projections that would demonstrate whether the tourism use would actually generate sufficient income to fund any such works. As such, I place limited weight on this as a potential benefit of the scheme.
28. The use of the site as tourist accommodation would generate some economic benefit for the appellant through bookings and more generally from visitors

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<sup>1</sup> Appeal Ref: APP/P1045/W/23/3318079



spending money in the local area. However, given the small scale of the proposal, and the nature of the accommodation, any such benefits are likely to be minor in scale and subject to seasonal fluctuations, such that they attract limited weight in favour of the scheme.

29. The appellant further posits that the development would enable greater access to the site to enhance appreciation of the heritage asset, something that would be facilitated by the erection of a heritage interpretation board. However, the site is already readily accessible via the public footpath, and I have found above that the proposed development would harm the vistas experienced by walkers upon entering the site. An interpretation board would have a modest benefit in providing historical context for those visiting or passing through, but this would not mitigate for the visual harm caused by the pods and car park.
30. The proposal would mitigate the loss of some 635 sqm of improved grassland habitat and deliver a small overall net gain in biodiversity through enhancements to the retained grassland areas of the site and existing hedgerows. This would be a positive aspect of the overall proposal, but given the modest degree of enhancement, it is a matter attracting limited weight in favour of the proposal.
31. Overall, I find that the public benefits advanced in this case would not outweigh the less than substantial harm to the significance of the designated heritage asset, to which the Framework directs I must give great weight. Accordingly, the Framework indicates that this provides a clear reason for refusing the development proposed, and this is an important material consideration in the overall planning balance.

#### *Effect on Living Conditions*

32. The Council's concern relates to potential adverse impacts from noise and light pollution created by the proposed tourism use. Whilst noting that no objection was raised to the proposal by the Council's Environmental Health department, similar concerns are echoed by representations from several local residents.
33. The nearest habitable accommodation within the neighbouring dwelling, Elldan Grove, would be located more than 50 metres from the pods. I saw on site that the main garden seating areas would be a similar distance, with the rear windows of the main dwelling slightly further away. A collection of outbuildings alongside the shared boundary would visibly screen the neighbours' garden seating area from the pods, although views over the site are possible from other points along the boundary. The appellant proposes to plant a hedgerow along the boundary which would address the potential for visitors to overlook the neighbouring property.
34. The surroundings experienced by residents along Mill Lane are tranquil, with few sources of potential noise beyond those expected of a rural environment, such as farm machinery, which would be sporadic, or equestrian use of the stables, which would not generate consistent or intrusive noise.
35. In contrast, the use of the site as tourist accommodation would generate a level of noise from the normal activities of visitors, such as when sitting out of an evening to dine, converse and socialise or when children are playing in the open spaces of the site. In summer, when use of the site would peak, the potential would exist for noise to extend well into the evening as visitors enjoy



the long days and warmer temperatures outside. Given the existing tranquillity of the area, activity would not need to be significant in scale to be noticeable by and disruptive to neighbouring residents, particularly where it persists over an extended period or the three pods are occupied by a single, larger group.

36. Moreover, the site, with parking for 6 vehicles, would generate noticeable additional comings and goings by car as visitors arrive and depart, but also as they come and go at various times of the day during their stay. This includes the potential for early morning or late evening trips which would generate noise at unsociable hours and that would adversely affect neighbouring residents.
37. The appellant seeks to address concerns by proposing a site management plan. However, the wording of the plan is vague and open to interpretation, such as requiring noise to be 'reduced' after 8:30pm and 'kept to a minimum outdoors' after 9:30pm and before 8:00am. Such restrictions would be difficult to monitor and enforce, even though the appellant resides close by.
38. However, a tourism use should not have to be so restricted that it undermines visitor enjoyment of the facility. Outdoor gathering, music, barbeques and children playing freely are activities that visitors expect to be able to enjoy on holiday, particularly in rural surroundings, and the fact that such activities are proposed to be restricted is an indicator that even typical use of the site by visitors would present potential noise and disturbance issues for neighbouring residents. The management plan as proposed would unduly restrict use of the facility, setting a low threshold for what is permitted and creating a risk of innocuous activity by visitors drawing complaint from neighbours and requiring regular intervention by management. It would also be ineffective in addressing daytime activity or noise from the movement of vehicles.
39. For these reasons, I conclude that the proposal would introduce activity that would generate noise and disturbance that would harm the living conditions of neighbouring residents. Suggested conditions would not be sufficient to mitigate this harm. Therefore, the proposal would be contrary to Policy EC9(e) of the DDLP which requires that new holiday development does not adversely affect the amenity of any area, and with the similar protections for living conditions set out under DDLP Policies S1 and PD1, and at Paragraph 135 of the Framework.

### **Other Matters**

40. The Council did not oppose the development in terms of its effect on highway safety, trees, wildlife, flooding and drainage. On the evidence before me, I have no compelling reasons to conclude differently, but an absence of harm means these are neutral matters weighing neither for nor against the proposal in the overall planning balance.
41. I have noted other matters raised by interested parties, but I have not identified further material benefits or harms which should be factored into the planning balance. Therefore, it is not necessary to address these in further detail as they would not alter the outcome of the appeal

### **Conclusion**

42. On the main issues, I have found that the proposal would accord with the accessibility requirements of the development plan for new tourism accommodation. I also recognise the general support for new rural tourism

businesses set out under Policies EC1 and EC8. However, due to the harm identified to landscape character, the significance of designated heritage assets and neighbours' living conditions, the proposal would be in overall conflict with Policy EC9, with the approach to development in the countryside under Policy S4 and the overall approach to sustainable development set out under Policy S1. Therefore, the proposal would not represent a suitable location for tourism development and would conflict with the development plan, taken as a whole. I afford significant weight to this conflict.

43. I have had regard to the public benefits weighing in favour of the proposal in conducting the heritage balance of the Framework above, the result of which is that, as a material consideration, the Framework directs that permission should be refused. Given the additional harm identified to landscape character and neighbours' living conditions, it follows that these benefits would also not be sufficient to outweigh the overall development plan conflict.
44. Consequently, there are no material considerations which would justify a decision being made other than in accordance with the development plan, taken as a whole. Therefore, for the reasons set out, I conclude that the appeal should be dismissed.

*K Savage*

INSPECTOR

## **BACKGROUND PAPERS**

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

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

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

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

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