

Planning Committee 13th September 2022

APPLICATION NUMBER		22/00008/OUT	
SITE ADDRESS:		Land adjacent Biggin View, Dog Lane, Hulland Ward	
DESCRIPTION OF DEVELOPMENT		Outline planning consent for the erection of up to 15no. dwellinghouses and associated garaging with approval being sought for access	
CASE OFFICER	Sarah Arbon	APPLICANT	John Yates
PARISH/TOWN	Biggin By Hulland	AGENT	JMI Planning
WARD MEMBER(S)	Cllr Richard Bright	DETERMINATION TARGET	21 st April 2022
REASON FOR DETERMINATION BY COMMITTEE	Major application	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to appreciate the site and context.

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

RECOMMENDATION
<p>That authority be delegated to the Development Manager or Principal Planning Officer to grant planning permission, subject to conditions upon completion of a s106 legal agreement to secure 30% of the dwellings as affordable units on-site (with any residual amount (i.e. less than 1 unit) provided as an offsite financial contribution and £105,385.04 towards the provision of 3 secondary and 1 post 16 places at Queen Elizabeth's Grammar School and additional education facilities.</p>

1.0 THE SITE AND SURROUNDINGS

- 1.1 This 0.77 hectare site is a square shaped field located to the north east of Hulland Ward adjacent to the junction where the A517 meets Dog Lane. The site has a small frontage onto the A517 and its north western boundary adjoins a field adjacent to Church Cottage and its associated farm buildings known as Church Farm. Both the south western and north western boundaries are screened by existing hedging and trees with the site boundary set back from Dog Lane. Immediately adjacent to the south east is the Cameron Homes development of 33 dwellings that is nearing completion.
- 1.2 The land slopes downwards from the south-west to the north-east. The field is largely bounded by substantial hedgerows with inter-set trees. The landscape character is one of Settled Plateau Farmlands landscape type of the Needwood and South Derbyshire Claylands landscape character area. Key features include the field boundary hedges and mature hedgerow trees.
- 1.3 From the A517, the site is visual but partially screened by the existing hedgerows. From the north east on Dog Lane, the site is largely screened by the existing hedgerow screening and further north along Dog Lane beyond Church Farm the farm buildings and hedges screen the site from this direction. Long distance views of the site from the track to the north and footpath to the east are not afforded due to the land levels and intervening screening with only the adjacent Cameron Homes development viewed.
- 1.4 The site lies adjacent to the settlement boundary of Hulland Ward and share a boundary with the allocated site HC2 (s) – land off A517 and Dog Lane for 33 dwellings that has been implemented.

2.0 DETAILS OF THE APPLICATION

- 2.1 Outline permission is sought for up to 15 dwellings with access included and all other matters reserved. Access would be via the existing Cameron Homes off the A517 via the internal estates roads of Biggin View and George Rogers Close and the internal private drive to the front of plots 11, 12, 13, 14 and 23.
- 2.2 An indicative plan shows 15 dwellings with the access road curving to the north slightly and creating a turning head to the west linking to the driveway to plot 11 to the North West and a smaller private drive for plots 1, 2, and 7 in the southern corner of the site.
- 2.3 Due to the fact that the site is accessed from the existing development via a private drive the internal access cannot be adopted due to the location of the existing plot 23 being close up to the road without the 2m footway. Amendments to the proposed layout have been made in order to accord with the approved and built development on the adjacent land as the originally submitted plans did not match both the approved plans and conveyance plans in respect of the plot 23's front boundary.
- 2.4 The applicant indicates that the development will comprise a mixture of 3, 4 and 5 bedroomed homes.





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

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

HC4 Affordable Housing Provision

HC11 Housing Mix and Type

HC14 Open Space, Sports and Recreation Facilities

HC17 Promoting Sport, Leisure and Recreation

HC19 Accessibility and Transport

HC20 Managing Travel Demand

HC21 Car Parking Standards.

3.2. Other:

The National Planning Policy Framework (NPPF) (2021)

National Planning Practice Guide

Developer Contributions SPD (2020)

Climate Change SPD (2021)

4.0 RELEVANT PLANNING HISTORY:

None

5.0 CONSULTATION RESPONSES

Hulland Ward Parish Council

5.1 Object to the application on the following grounds:

1) The Local Plan calls for 99 houses in the Hulland Ward area. Including the Wheeldon Way development we already have 101 houses.

2) The planned application is on a greenfield site outside the boundary of the Local Plan.

- 3) The proposed development would intrude on the setting of a listed building (Christ Church, Hlland) - a designated heritage asset.
- 4) The Wheeldon Way development of 39 houses is scheduled to commence this spring and will in itself cause much disturbance in what is still a small village.

Biggin Parish Council

5.2 Object to the planning application for further development within the Biggin Parish for the following reasons:-

- 1) The greenfield site of this planning application is in Biggin Parish and is outside the local plan
- 2) The development proposed would encroach on dog lane where the village hall and the historic Hlland Church which is a listed building sits. It would dominate and harm the appearance of the area and the Church.
- 3) Increased traffic is already high in the area and the country lanes are not suited to further traffic.
- 4) New housing developments previously granted planning and built in this area have already exceeded the amount called for in the local plan.

These developments have already caused harm to the character and appearance of the countryside and local area where Hlland ward meets Biggin Parish.

These developments have encroached into Biggin Parish.

They do not blend in with the existing Hlland ward estate and certainly do not blend in with Biggin landscape and historic buildings.

Excessive windows on these properties have caused extreme light pollution and reflection in the area.

The heights of these buildings possibly due to the unsuitability of the lay of the land being sloped make them stand out and intimate the valley below and also the existing residents on the Hlland ward estate.

Allowing this application would only escalate this problem we are already faced with.

Biggin Parish is an historical farming hamlet set in open countryside and is to be protected from development harming the appearance of the open countryside. Biggin parish is not in the local plan and the land where this planning application proposed is part of the Biggin parish and therefore this application should be refused.

Highway Authority:

5.3 The site is proposed to be accessed off the turning head at the end of the internal access road which serves the existing development. There are no objections to the principle of the proposed access arrangements; however, the applicant should be made aware that the new internal access road serving the proposed dwellings, as indicated in the submitted plans, will not be considered for adoption due to the lack of a margin or footway fronting the existing plot no. 23, therefore, the new access road will remain private. There are no highway objections to the principle of the development.

Environmental Health:

5.4 No objections, however, recommend a watching brief on contaminated land.

Lead Local Flood Authority:

- 5.5 This site lies within flood zone 1 and therefore the LPA can apply national flood risk standing advice (FRSA) in this instance if necessary. The agent has supplied the TRI confirming that the applicant has the right to connect to the existing surface water attenuation pond. The LLFA has reviewed the Flood Risk Assessment and have no objection subject to conditions, however before providing conditions further detail is required on the attenuation ponds connection, maintenance, management, capacity in order to establish that connecting the proposed site would not increase the risk of flooding on the adjacent site.

Education Authority (DDC):

- 5.6 The proposed development falls within and directly relates to the normal area of Hulland CE (Voluntary Controlled) Primary School. The proposed development of 15 dwellings would generate the need to provide for an additional 4 pupils.

Hulland CE (Voluntary Controlled) Primary School has a net capacity for 84 pupils, with 53 pupils currently on roll. The number of pupils on roll is projected to increase during the next five years to 55. An evaluation of recently approved major residential developments within the normal area of Hulland CE (Voluntary Controlled) Primary School shows new development totalling 39 dwellings, amounting to an additional 9 primary pupils.

Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area primary school would have sufficient capacity to accommodate the 4 primary pupils arising from the proposed development. The proposed development falls within and directly relates to the normal area of Queen Elizabeth Grammar School. The proposed development of 15 dwellings would generate the need to provide for an additional 3 secondary and 1 post 16 pupils.

Queen Elizabeth Grammar School has a net capacity for 1,384 pupils with 1,384 pupils currently on roll. The number of pupils on roll is projected to increase to 1,451 during the next five years. An evaluation of recently approved major residential developments within the normal area of Queen Elizabeth Grammar School shows new development totalling 533 dwellings, amounting to an additional 107 secondary and 43 post16 pupils. Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area secondary school would not have sufficient capacity to accommodate the 3 secondary and 1 post 16 pupils arising from the proposed development.

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

- £105,385.04 towards the provision of 3 secondary and 1 post16 places at Queen Elizabeth's Grammar School + additional education facilities.

NHS Commissioning Group

- 5.7 Confirms that no S106 contributions are required as the development falls under their threshold.

Rural Housing Enabler (DDDC)

- 5.8 The additional affordable housing provision that this development would yield is welcomed. It is anticipated that 4 units would be provided onsite, with the remaining 0.5 unit provided as a commuted sum. The affordable units should be fully compliant with Nationally

Described Space Standards (NDSS). Furthermore, it is expected that any bungalows provided would meet building regulations M4 (2) as a minimum. In terms of the profile of the affordable units, it is advised what is most appropriate to meet local need at such time reserved matters are addressed.

Archaeologist (DDC)

- 5.9 The site has some archaeological potential, being very close to the site at Wheeldon Way where archaeological potential was identified by geophysical survey in the context of an application for housing 14/00698, and conditions placed to secure some archaeological work. The archaeology at Wheeldon Way possibly represents prehistoric or medieval activity, although the confirmatory fieldwork has not yet been carried out.

Following a review of the submission of a geophysical survey, the geophysics shows no convincing archaeological targets and given the modest size of the site it is advised that there is no need for further archaeological involvement in this application.

Tree and Landscape Officer (DDDC)

- 5.10 Currently unprotected trees and established native hedgerows forming historic field boundaries are located close to and around the site regarding which no details have been submitted to date. Should outline consent be granted, it is recommended that further information should be required to be submitted for approval at reserved matters stage to enable the LPA to be fully informed about any potential conflict between existing trees and the proposed development by the proposed site layout. This should take the form of:

An Arboricultural Impact Assessment to the guidelines of BS5837:2012 to include a Tree Schedule, Tree Constraints Plan on a plan of the site as existing, a Tree Retentions and Removals Plan on a plan of the site as proposed and a Tree Protection Plan on a plan of the site as proposed.

If any proposed development would encroach the root protection areas (as defined by BS5837:2012) of any retained trees or hedgerow then a detailed site-specific Arboricultural Method Statement should also be required for approval that demonstrates how the proposals would be executed without harm to retained trees.

The site is enclosed by established native hedgerows and trees along all but the north-eastern boundary. These are important visual and historic elements of the local landscape and should be retained and appropriately protected during development and incorporated into it for the long term. It is important that all existing trees and hedgerows are retained because they contribute to the history, character and appearance of the local landscape.

A recent residential development adjoins the proposed development site to the east. This site has a straight edge boundary abutting the proposed site created by the previously existing retained field boundary. This abrupt edge to the village has a distinctly inorganic appearance. The proposed development presents the opportunity to create a more natural edge to the settlement if the site layout were to be designed appropriately. This would serve to assimilate both sites into a more organic form in the countryside surrounding the site. In order to inform the Council's assessment of the visual impact of the proposals in the landscape it is recommended that a Landscape Visual Impact Assessment be required for submission for approval. The surrounding viewpoints submitted by the agent are considered acceptable.

Derbyshire Wildlife Trust

5.11 They have reviewed the Ecological Impact Assessment prepared by Ramm Sanderson Ecology Ltd November 2021 and checked their biodiversity datasets and mapping. They are not aware of any statutory or non-statutory designated sites or the presence of any species or habitats of principal importance (UK BAP Priority species/habitats).

The ecological assessment has identified the following habitats:

- Broadleaved trees which are to be retained within the proposals.
- Dense scrub – to be lost
- Species poor semi-improved grassland – to be lost (the dominant habitat on site)
- Tall ruderal – to be lost

In terms of protected species the recommendations within the submitted report are supported.

Whilst the overall impact on biodiversity is not considered to be substantive in terms of any unacceptable loss of protected or important habitats there is clearly a small loss of biodiversity that has not been fully quantified. It is therefore not possible to know whether the application will result in a net loss of biodiversity overall.

It is advised that the Biodiversity Metric assessment referred to in the EIA is submitted so that these issues can be resolved through appropriate habitat creation and enhancement on site or if necessary off-site. Once these details are available they can review and make recommendations for suitable conditions.

5.12 Environment Agency

This site lies within flood zone 1 and therefore the LPA can apply national flood risk standing advice (FRSA) in this instance if necessary.

There are no other environmental constraints associated with the site and therefore we have no further comment to make.

6.0 REPRESENTATIONS RECEIVED

6.1 Five letters of objection have been received and these are summarised below:-

- a) The development will bring extra site traffic to an already busy main road.
- b) The noise and pollution to part of the village would continue from that already witnessed from the 33 houses being built.
- c) There is also planning permission granted for 39 dwellings close to this site, another 15 is not needed.
- d) This application will bring more pollution and noise to the small development from the construction vehicles passing through, and then residential vehicles, which there will be many.
- e) There is a play area at Woodgate point development and there are safety concerns with regard a huge increase of construction vehicles 5 days a week driving through the development to access the new site.
- f) The plans submitted are not up to date and do not represent the existing development of Woodgate Point with regard to the existing Plot 23.

- g) On the planning proposal, the proposed road and walkway adjacent to our property (Plot 23) are drawn within the legal boundary of plot 23.
- h) The front and rear access to our property (Plot 23) has also changed from that shown on the planning applicants plans
- i) Both the front and rear access to and from our property currently emerge onto a private drive with shared access and we would emerge from both the front and rear exits of our property directly onto the proposed highway.
- j) The proposed highway would run within 0.5 mtr of a Bay Window with the resultant impacts on safety, potential noise, vibration, vehicle emissions and light pollution into our property and the overall ability to enjoy our home.
- k) The access, so close to our home to a potential construction site by all associated vehicles will cause noise, disruption, vibration, dust and a significant safety hazard.
- l) The proposed access may not be appropriate to serve 15 new properties and all the associated traffic including emergency services.
- m) The site is greenfield land and outside the local plan. It is also very close to the village hall and church, and would be detrimental to the appearance and character of the village and surrounding countryside.
- n) The development would result in an unacceptable increase of vehicular traffic using the already very busy A517, existing narrow estate roads and country lanes.
- o) With new housing developments recently being constructed, and a further one already granted, Hulland Ward has grown enough and definitely does not need this poorly situated development.
- p) The site lies in Biggin Parish.
- q) The site lies outside the settlement boundary of Hulland Ward
- r) The development would be highly visible from the western approach of the village as it is not the highest part of the ridgeway.
- s) The southern ridgeway is dominated by the new red brick houses, completely at odds with other properties in view.
- t) The field has wildflowers and is used for grazing.
- u) The existing access from the A517 has limited visibility and what are the implications for current residents within the site regarding the increase in vehicle movements.
- v) The increase use of the access and increase in vehicle movements onto an existing heavily trafficked route is a safety concern.
- w) The Parish of Biggin has seen a 66% increase in houses which is disproportionate with Hulland Ward and the parishes population.
- x) The 30% affordable housing provision is often off-site which is of no benefit to the community.
- y) There is a lack of public transport within the village so people rely on the car.
- z) The proposed dwellings would be more prominent than the existing as they appear larger and are closer to Dog Lane.
- aa) Building on this site may cause increased surface water run-off in the area.
- bb) Loss of habitat for wildlife.
- cc) Future residents may complain regarding noise from the village hall when events are held.
- dd) The village facilities are limited and don't have capacity of future residents.

7.0 OFFICER APPRAISAL

- 7.1 This application seeks outline permission for up to 15 dwellings on the site, with all matters other than access reserved for subsequent approval.
- 7.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission under the Act are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the purposes of the Act is the Adopted Derbyshire Dales Local Plan (2017). The National Planning Policy Framework (2021) is a material consideration in respect of this application.

- 7.3 The Council is unable to demonstrate a 5 year housing land supply at this time and the tilted balance in favour of the development is engaged by virtue of Para 11d) of the National Planning Policy Framework (2021).
- 7.4 As part of the consideration of future housing needs and the Council's aspirations for growth and economic recovery, a call for sites as part of the Strategic Housing Land Availability Assessment process was undertaken between 26th May and 7th July 2021. The application site was put forward as part of this exercise. The assessment of the site, in terms of its deliverability is considered in the issues section of this report.
- 7.5 Having regard to the above, consultation responses and representations received and the relevant provisions of the development plan and guidance contained within the National Planning Policy Framework, the main issues to assess are:
- Suitability of the location
 - The effect of the proposal on the character and identity of the settlement and the local landscape
 - Impact on heritage
 - Highway considerations
 - Flood risk and drainage
 - Residential amenity impacts
 - Impact on trees, biodiversity and wildlife, and
 - Developer contributions and housing mix

Suitability of Location

- 7.6 Notwithstanding that the Council cannot demonstrate a 5 year housing land supply at this time and the presumption in favour of the development is engaged, there are provisions in the Development Plan for housing development on the edge of first, second and third tier settlements (Policy S2) in circumstances where there is no 5 year housing land supply, subject to consideration against other policies in the Local Plan and the provisions of the NPPF. This policy recognises that the higher order settlements in the Derbyshire Dales District are best suited in terms of access to services, facilities and employment opportunities to accommodate new housing development in such a scenario.
- 7.7 Although the site is located beyond the existing strategic land allocations in the development plan, it is well connected to and would be serviced off the Biggin View development recently built out by Cameron Homes on the edge of the existing settlement framework boundary. Hulland Ward is an accessible settlement with some facilities. The village has a primary school, medical centre, shop and two pubs. Whilst it is recognised that an accessible settlement such as Hulland Ward will provide for reduced levels of development in comparison to higher order settlements, a development of 15 houses is considered to be an appropriate amount of additional growth in the village that will help underpin local facilities and provide for greater self-containment.

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

- 7.8 A key consideration in respect of this application is the impact of the development on the local landscape and character, identity and setting of the existing settlement. Policy S1 of the Adopted Derbyshire Dales Local Plan (2017) advises that development will conserve and where possible enhance the natural and historic environment, including settlements within the plan area.
- 7.9 Policy PD1 requires all development to be of high quality design that respects the character, identity and context of the Derbyshire Dales townscapes and landscapes.

- 7.10 Policy PD5 deals specifically with landscape character and advises that development that would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement will be resisted.
- 7.11 In considering the suitability of the site for development as part of the local plan review call for sites exercise, the County Council Landscape Officer commented that the site is a single field enclosed by mature hedgerows and abutting new residential development to the south-east off Biggin Way. It was acknowledged that the site is visually contained by residential properties to the south and east and boundary vegetation.
- 7.12 Although the comments of the Parish Council relating to the impact on the Biggin landscape and those making representations are noted, the applicant has prepared a series of viewpoints from the main receptors, having agreed these with the Councils Trees and Landscape Officer. Having regard to the visibility of the site, the amount of development and its relationship with existing development it is not considered that a development of up to 15 dwellings on the site, subject to careful consideration of the layout, scale and appearance of the development (which are all reserved matters) would result in harm to the local landscape or character and identity of this part of the settlement. The development would be well related to existing development and contained by existing landscape features and as indicated by the Trees and Landscape Officer development of the site presents the opportunity to create a more natural edge to the settlement. It will be necessary as part of any future approval of reserved matters application to retain and supplement existing landscaping to safeguard the setting of the settlement and the local landscape.

Impact on Heritage

- 7.13 A Grade II listed church, Christ Church is located to the west of the site on the opposite side of Dog Lane. In the assessment of the site as part of the call for sites exercise the District Council's Conservation and Design Officer concluded that some harm may be caused to heritage assets by development at this site and that special attention should be given to mitigate against this harm, especially on Christ Church.
- 7.14 Policy PD2 of the Adopted Derbyshire Dales Local Plan seeks to conserve heritage assets in a manner appropriate to their significance. The position of the site relative to church and existing residential development beyond and intervening landscaping is such that redevelopment of the site would result in no harm, or harm at the lower end of less than substantial harm in NPPF terms which would be mitigated by a development of an appropriate layout, scale and appearance and with appropriate landscaping. Paragraph 202 of the NPPF advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Highway considerations

- 7.15 Development plan policies require that the access serving a development is safe and the highway network can satisfactorily accommodate traffic generated by the development or can be improved as part of the development.
- 7.16 The application seeks the approval of the access, which comprises a continuation of an estate road serving the Biggin View development, which does not include a sufficient margin for a footway fronting existing plot no. 23. The Local Highway Authority have indicated that the new internal access road will not therefore be considered suitable for adoption. There are, however, no objections to the access arrangements from a highway safety perspective. A condition is recommended by the Highways Authority to ensure

appropriate management arrangements are put in place for maintenance of the proposed estate road.

7.17 The concerns raised by those making representations with regard to traffic are noted, however, the junction of Biggin View with the A517 is considered acceptable to serve further residential development of the scale proposed. Construction traffic and the noise and disturbance associated with such activity is noted. It is considered that a condition to restrict the times of construction activity would be appropriate in this case, given the close proximity of the site to existing residents and the route of the proposed access road.

Flood risk and drainage

7.18 Adopted Local Plan Policy PD8 directs new development away from areas of current or future flood risk and states that the development should not increase the risk of flooding elsewhere. The whole of the application site lies within Flood Zone 1 which is described as land having a less than 1 in 1,000 annual probability of river or sea flooding. The site is therefore at low risk from flooding.

7.19 A Flood Risk Assessment (FRA) has been submitted in support of the application in accordance with the requirements of the National Planning Policy Framework. A drainage strategy has also been submitted which includes an indicative Sustainable Urban Drainage Scheme (SuDS) showing the installation of permeable pavement features and a flow control chamber discharging to a headwall to the existing pond to the north east of the site.

7.20 The report states that the a SuDS scheme would be capable of satisfactorily managing surface runoff without increasing the flood risk to other people while providing multiple benefits with respect to the sustainable management of surface water runoff. The report makes a number of recommendations in regard to flood risk mitigation and drainage provision including finished floor levels, provision and maintenance of a SuDS scheme. Foul drainage would be to the main sewer.

7.21 The Environment Agency raise no objection to the development because the site is within Flood Zone 1 and advises that foul drainage should be to the main sewer as proposed. The Lead Local Flood Authority have requested confirmation on a number of points including whether the land owner would permit discharge of surface water into the pond, the capacity of the pond and where it discharges. The applicant has provided this information and we await a further response from the Lead Local Flood Authority which will be provided at the meeting.

7.22 The application demonstrates that the development would not be at risk of flooding and subject to planning conditions to secure the approval, implementation and maintenance of an appropriate SuDS scheme and finished floor levels that the development would not increase the risk of flooding elsewhere. Foul drainage would be to the main sewer which is acceptable. The application is therefore in accordance with Policy PD8 and National Planning Practice Guidance.

Residential amenity impacts

7.23 Adopted Local Plan Policy S1 seeks to secure development which provide a high standard of amenity for all existing and future occupants of land and buildings, ensuring communities have a healthy, safe and attractive living environment.

7.24 The submitted indicative layout shows that there is sufficient space within the site for a development of this scale to be accommodated with sufficient separation distances from proposed dwellings to the existing residential properties to the south east of the site. The development would not be overbearing or lead to any significant loss of light or privacy to

any neighbouring property. The plans also show that the proposed dwellings would be provided with a high standard of amenity space.

- 7.25 The development would be accessed through the residential development to the south east which would be acceptable in principle. Additional vehicle traffic would not harm the amenity of occupants of existing properties. There may be additional vehicle traffic and disturbance during construction, however this would be for a limited period and would not constitute a reason for refusal of planning permission subject to appropriate working hours.
- 7.26 The development would therefore provide occupants a high standard of amenity and conserve the amenity, security and privacy of occupants of neighbouring properties and the living environment of the local community in accordance with policy S1 and PD1.

Impact on trees, biodiversity and wildlife

- 7.27 Policy PD6 of the Adopted Derbyshire Dales Local Plan requires that Trees, hedgerows, orchards or woodland of value should be retained and integrated within development wherever possible.
- 7.28 The Trees and Landscape Officer has recommended that further information should be provided in relation to existing trees at reserved matters stage to enable the Local Planning Authority to be fully informed about any potential conflict between existing trees and the proposed development. This will be important to ensure that the existing trees and landscape features along the boundary of the site with Dog Lane are retained to contain the development and protect the local landscape. A condition to secure such details and retain the trees along the boundary with Dog Lane is considered appropriate in this respect.
- 7.29 The Adopted Derbyshire Dales Local Plan (2017) seeks enhancement of biodiversity (Policy PD3) and is supported by the NPPF, paragraph 174 of which advises that planning decisions should provide net gains for biodiversity. The direction of travel and importance of improving biodiversity is also clear from the Environment Act 2021, even though the 10% requirement is not yet in force.
- 7.30 Derbyshire Wildlife Trust have advised that whilst the overall impact on biodiversity is not considered to be substantive in terms of any unacceptable loss of protected or important habitats there is clearly a small loss of biodiversity that has not been fully quantified. To quantify the loss a Biodiversity Metric Assessment should be carried out. Officers are satisfied in this case, given the extent of the site, the value of the existing habitat and amount of development proposed that this can be considered as part of the subsequent approval of landscaping on site and through a condition which requires a Biodiversity Metric Assessment to be submitted as part of any approval of reserved matters application to demonstrate a net gain and habitat creation and enhancement across the site to satisfy the relevant provisions of the development plan and national planning guidance.

Developer contributions and housing mix

- 7.31 Policy S10 advises that suitable arrangements will be put in place to improve infrastructure, services and community facilities, where necessary when considering new development, including providing for health and social care facilities, in particular supporting the proposals that help to deliver the Derbyshire Health and Wellbeing Strategy and other improvements to support local Clinical Commissioning Groups (CCG) and facilitating enhancements to the capacity of education, training and learning establishments throughout the Plan Area.
- 7.32 No health contribution has been sought by the CCG in this case, as the development falls below their threshold for seeking a contribution. The development will, however, result in the

need for additional secondary and post 16 school places to be provided. The education authority has indicated that this would amount to £105,385.04 towards the provision of 3 secondary and 1 post 16 places at Queen Elizabeth's Grammar School and additional education facilities. It will be necessary to secure such a contribution through an s106 agreement to meet the demands deriving from the development.

- 7.33 in order to address the significant need for affordable housing across the Plan area, all residential developments of 11 dwellings or more or with a combined floorspace of more than 1000 square metres should provide 30% of the net dwellings proposed as affordable housing. The applicant agrees to make such provision, which is supported by the District Council's Housing Team. It is anticipated that 4 units would be delivered on site and 0.5 of a unit delivered in the form of an off-site financial contribution (applying the formula contained in the Developer Contributions SPD (2020)). This is considered to constitute acceptable provision. In terms of on-site provision a scheme will need to be agreed with the District Council as part of the requirements of the s106 to satisfy the relevant provisions of the development plan and national guidance and affordable housing need at that time, including provision for first homes.
- 7.34 Policy HC11 of the Adopted Derbyshire Dales Local Plan prescribes a housing mix to meet the District Councils housing needs and to create a sustainable, balanced and inclusive communities. The applicant proposes that the dwellings will comprise 3, 4 and 5 bedroomed dwellings. Without justification this would not constitute an acceptable mix, being skewed towards the larger house types. A condition to secure a mix which conforms to the requirements set out in Policy HC11 is necessary in this case, with provisions to agree a different mix where justified.
- 7.35 The application does not make provision to help mitigate the effects of or adapt to climate change. A condition is recommended to ensure that measures are included as part of any subsequent approval of reserved matters application.
- 7.36 The application site includes a sufficient amount of land to deliver appropriate open space provision in accordance with the requirements of the Developer Contributions SPD (2020) as part of any subsequent approval of reserved matters application.

The Planning Balance

- 7.37 The development plan makes provision for new housing development on the edge of tier 1 – 3 settlements in circumstances where the District Council is unable to demonstrate a five year supply of housing land. Paragraph 11 d) of the NPPF advises that decisions should apply a presumption in favour of sustainable development and grant permission unless the application of policies in the framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole.
- 7.38 Having regard to this, the consultation responses and representations received and the relevant provisions of the development plan and guidance contained within the NPPF it is clear from the consideration of the main issues that the development should be approved as, subject to careful consideration of the reserved matters, there would be no significant adverse impacts or technical reasons to refuse planning permission that would significantly and demonstrably outweigh the benefits arising from the provision of market and affordable housing. Technical matters and compliance with development plan policies and national guidance can be controlled through the use of conditions and a s106 legal agreement. A recommendation of approval is put forward on this basis.

8.0 RECOMMENDATION

That authority be delegated to the Development Manager or Principal Planning Officer to grant planning permission, subject to the following conditions upon completion of a s106 legal agreement to secure 30% of the dwellings as affordable units on-site (with any residual amount (i.e. less than 1 unit) provided as an offsite financial contribution and £105,385.04 towards the provision of 3 secondary and 1 post 16 places at Queen Elizabeth's Grammar School and additional education facilities.

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

Reason:

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

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

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

Reason:

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

3. This permission relates solely to the application as submitted except as amended by the revised plan no. 1001 P3 received by the Local Planning Authority on the 30th August 2022 and plan no. 01001P2 received on the 20th January 2022.

Reason:

For the avoidance of doubt

4. As part of any approval of reserved matters application concerning layout a surface water drainage scheme, to manage surface water run-off from the development (including climate change requirements) shall be submitted to and approved in writing by the local planning authority. The scheme shall also include:
 - Appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The scheme shall be constructed in accordance with the approved details and shall be managed/maintained in accordance with the approved maintenance and management details for the lifetime of the development.

Reason:

To ensure that the site is appropriately drained to prevent localised flooding in accordance with the aims of Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

5. No dwelling shall be occupied until a Verification Report pertaining to the relevant surface water drainage system(s), has been submitted to and approved in writing by the local planning authority. This Report shall demonstrate the suitably modelled operation of the drainage system such that flood risk is appropriately managed.

Reason:

To ensure that the site is appropriately drained to prevent localised flooding in accordance with the aims of Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

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

Reason:

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

7. The finished floor levels of the dwellinghouses shall be 150mm above ground level unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To adhere to best practice and to ensure that the future dwellings are not at risk from flooding in accordance with the aims of Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

8. Any approval of reserved matters application relating to the layout of the development shall include:
 - a) A tree survey - the results of a tree survey (according to sections 4.4 and 4.5 BS 5837:2012) to include all existing trees on and within 15m of the site.
 - b) Tree constraints plans – every surveyed tree should have its location, category grading (section 4.5 BS 5837 (2012)), canopy spread and root protection area (section 4.6 BS 5837 (2012)) plotted onto two accurate site survey plans; the first should show the site as existing and the second should show the site as proposed.
 - c) An arboricultural impact assessment – according to section 5.4 BS 5837 (2012) which should present an evaluation of the impact of the proposals on the existing trees.
 - d) Tree removals plan – every surveyed tree should have its location, category grading, canopy spread and root protection areas (section 4.6 BS 5837 (2012)) plotted onto an accurate site survey plan showing the proposed site. The trees which will need to be removed to facilitate the proposals should be indicated using different symbols to the trees for retention.

Reason:

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

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

Reason:

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

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

Reason:

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

11. In the event that ground contamination that has not been identified is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*', and where remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority. The development should thereafter be carried out in accordance with the approved remediation scheme.

Reason:

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

12. Any approval of reserved matters application relating to landscaping shall be accompanied by a Biodiversity Metric Assessment which demonstrates a net biodiversity gain across the site, appropriate habitat creation and enhancement and details of future maintenance and management. The development shall thereafter be carried out in accordance with the approved details.

Reason:

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

13. Any approval of reserved matters application relating to landscaping and layout shall, unless otherwise agreed in writing by the Local Planning Authority, make provision for the retention

and enhancement of existing boundary trees and vegetation to provide a suitable buffer between the development and surrounding countryside to the north and Dog Lane.

Reason:

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

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

Reason:

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

15. Where the estate street provided is not to be adopted by the Local highway Authority prior to the first occupation of any dwelling details of the management company that shall be responsible for the future maintenance of all the unadopted roads, footways, shared parking areas within the site, including proposed 'private' signage along with an ongoing maintenance strategy, and timescales for the transfer to such company, shall be submitted to the Local Planning Authority. Such areas shall be transferred to the management company in accordance with the approved details.

Reason:

In the interests of highway safety in accordance with Policy HC19 of the Adopted Derbyshire Dales Local Plan (2015).

9.0 NOTES TO APPLICANT:

The Local Planning Authority prior to the submission of the application engaged in a positive and proactive dialogue with the applicant which resulted in the submission of a scheme that overcame initial concerns relating to landscape impact, surface water drainage and adjacent land ownership.

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

Government guidance contained within the national Planning Practice Guidance (Water supply, wastewater and water quality – considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

1. Connection to the public sewer

2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)
3. Septic Tank

Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, in addition to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit.

Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply.

Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.

Further advice is available at: <https://www.gov.uk/permits-you-need-for-septic-tanks> and <https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-the-ground>

This permission relates solely to the application plans and documents:-

Plan no. 1001 P3 received on the 30th August 2022

Plan no. 01001 P2 received on the 20th January 2022

Plan No's 01005 P1 and 04001 P1

Design and Access Statement Rev A dated 21st December 2021

Planning and Heritage Statement by JMI Planning

Flood Risk Assessment by RAB dated 21st November 2021

Ecological Impact Assessment by RammSanderson dated November 2021

Geophysical Survey by Archaeological; Research Services dated June 2022

Key to viewpoints and Viewpoint photos 1 -7