

APPLICATION NUMBER		22/00194/FUL	
SITE ADDRESS:		Land South West of Normanhurst Park, Darley Dale, Derbyshire	
DESCRIPTION OF DEVELOPMENT		Erection of 18 no. Dwellinghouses	
CASE OFFICER	Mr J. Baldwin	APPLICANT	Mr George Henshaw (Chevin Homes)
PARISH/TOWN	Darley Dale	AGENT	Mr George Henshaw (Chevin Homes)
WARD MEMBER(S)	Cllr Jason Atkin Cllr Mark Salt Cllr Andrew Statham	DETERMINATION TARGET	10/06/2022
REASON FOR DETERMINATION BY COMMITTEE	Major application and due to number of unresolved objections received	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to consider the impact on the development on the local environment.

MATERIAL PLANNING ISSUES

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

RECOMMENDATION

That authority be delegated to the Development Manager or Principal Planning Officer to grant planning permission, subject to conditions, following confirmation from the Lead Local Flood Authority that the drainage system will not be adversely affected by groundwater, with or without mitigation measures and from Derbyshire Wildlife Trust that the wildlife mitigation and biodiversity enhancement proposals are acceptable and following the completion of a planning obligation agreement to secure 2 no. first homes and an off-site affordable housing contribution equivalent to 3.4 units (£154,577.60) and a contribution of £168,198.42 towards secondary and post 16 school places.

1.0 THE SITE AND SURROUNDINGS

- 1.1 Normanhurst Park is a small development of large detached dwellinghouses of stone construction accessed off Dale Road South (A6) opposite St Elphin's Park. This application relates to an open agricultural field (approx. 1.4ha) to the south west of Normanhurst Park. The site is currently accessed via an existing gated field access between 7 and 8 Normanhurst Park. The site is identified by the Darley Dale Neighbourhood Plan as being in the Lower Hackney area of Daley Dale.
- 1.2 The site is relatively flat but does fall gradually toward the south western boundary. The boundaries to the site comprise post and rail fencing and planting to the north western, north eastern and south eastern boundaries. The south western boundary comprises mature tree planting with the Peak Rail line, Darley Dale public footpath 26 and the River Derwent beyond. A number of trees on site are subject to Tree Preservation Orders.
- 1.3 The site is identified by policy HC2 of the Adopted Derbyshire Dales Local Plan (2017) and is an allocated housing site – HC2 (I).



2.0 DETAILS OF THE APPLICATION

- 2.1 The application initially sought full planning permission for 23 no. dwelling houses. During the consideration of the application, and following negotiation with the Local Planning Authority, the application now seeks full planning permission for the construction of 18 dwellinghouses with a number of attached and detached garages on site as set out in the amended plans and documents received by the Local Planning Authority on 16/08/2022 and 23/08/2022.
- 2.2 As set out in the submitted statement from the applicant, the proposed development would comprise the following housing mix:

Number of units	Number of bedrooms	House Type	%
4	2 bedroom	Houses	22.2%
10	3 bedroom	Bungalows	38.8%
		Houses	16.6%
4	4 bedroom	Houses	22.2%

- 2.3 The amended site layout plan shows the development would be accessed between 7 and 8 Normanhurst Park via a new road down the centre of the site. The road would then split forming two cul-de-sacs with footpath links back to the site entrance. The belt of mature, protected trees along the south western boundary would be retained.
- 2.4 The development is proposed to be constructed utilising Birchover coursed stone and plain roof tiles to match the adjacent Normanhurst development.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2017)
 - S1: Sustainable Development Principles
 - S2: Settlement Hierarchy
 - S3: Development Within Defined Settlement Boundaries
 - S7: Matlock/Wirksworth/Darley Dale Development Area Strategy
 - S10: Local Infrastructure Provision and Developer Contributions
 - PD1: Design and Place Making
 - PD3: Biodiversity and the Natural Environment
 - PD4: Green Infrastructure
 - PD5: Landscape Character
 - PD6: Trees, Hedgerows and Woodlands
 - PD7: Climate Change
 - PD8: Flood Risk Management and Water Quality
 - PD9: Pollution Control and Unstable Land
 - HC1: Location of Housing Development
 - HC2: Housing Land Allocations
 - HC4: Affordable Housing
 - HC11: Housing Mix and Type
 - HC14: Open Space and Outdoor Recreation Facilities
 - HC19: Accessibility and Transport
 - HC21: Car Parking Standards
2. Darley Dale Neighbourhood Plan (2019):
 - NP1: Protecting the Landscape Character of Darley Dale
 - NP7: Protecting the Landscape Character of Lower Hackney
 - NP10: Protecting the Setting of the Peak District National Park
 - NP11: Design Principles for C3 Residential Development
 - NP17: Design Principles for C3 Residential Development in Lower Hackney

3. Landscape Character and Design SPD (2018)
Developer Contributions SPD (2020)
Climate Change PSD (2021)
4. National Planning Policy Framework (2021)
National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:

None.

5.0 CONSULTATION RESPONSES

Environment Agency

- 5.1 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. If, however, the proposal subsequently changes such that you feel that it may pose a significant environmental risk then please do not hesitate to contact us and we will be pleased to review our response.

Natural England

- 5.2 Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites Clough Woods Site of Special Scientific Interest and has no objection. Further advice has been provided by Natural England' regarding designated sites/landscapes and advice on other natural environment issues.

Chesterfield Royal Hospital

- 5.3 Section 106 impact on health to be considered. Initial modelling suggests that the impact of this development is up to £20k

NHS Commissioning Group

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

Peak Rail

- 5.5 The proposed design layout opens up a thoroughfare from the A6 through the site to its south eastern boundary towards a private accommodation crossing over the railway line. There is currently no public right of access to the White Peak Loop trail at this point. The proposal as it stands, therefore, invites misuse, vandalism and criminal trespass on operational railway land by the public as well posing risks to life and limb, potentially including Peak Rail's, employees, volunteers and passengers. This situation would be totally unacceptable to Peak Rail so we would advise that the matter of future access to the trail is resolved and implemented before any development takes place through a collaborative process involving Peak Rail, the District Council and the Highways Authority, with advice from the Office of Rail and Road.

Peak Rail needs to be re-assured that the works on site follow safe methods of working and have also taken into consideration any potential impact on Peak Rail land and its operational railway infrastructure. With this in mind, Peak Rail would wish to see a Risk and Method statement for any works taking place within 10 metres of the operational railway under Construction Design and Management Regulations, this in addition to any planning consent.

Any measurements must be taken from Peak Rail's boundary, not the track itself as the land between may contain critical infrastructure such as communication equipment etc.

The applicant must ensure that proposed drainage does not increase Peak Rail's liability or cause flooding, soil slippage or boundary issues on its land. Proper provision must be made to accept and continue any drainage discharging from Peak Rail's property.

Peak Rail is aware that residents of new dwellings adjacent to or in close proximity to an operational railway have in the past discovered issues with noise and other disturbance upon occupation of dwellings. Mitigation measures should therefore be included in the design process. It should be noted that the current level of railway usage may be subject to change at any time without prior notification including increased frequency of trains particularly in holiday seasons. Peak Rail may also need to conduct emergency works on the railway which may not be notified to residents in advance due to their safety critical nature.

Environmental Health (Derbyshire Dales)

5.6 No objections subject to conditions.

Development Control Archaeologist (Derbyshire County Council):

5.7 The proposed development area is just under 1.22 Ha in area and has no known Historic Environment assets within the PDA recorded on the Derbyshire HER. The site however does lie on the edge of the floodplain of the River Derwent, 390 metres to the north-west of a site on which archaeological investigation uncovered worked wood C14 dated to the middle Iron Age as well as probable buried prehistoric land surface sealed by slope wash (colluvium). It is possible, in my opinion, that these conditions may also appertain to the proposed development area and so there is the possibility of the survival of palaeo-environmental remains and/or prehistoric archaeology within the site that should be tested.

I would recommend that a scheme of archaeological work be undertaken as a condition attached to consent under the provisions of the National Planning Policy Framework, paragraph 205. I would envisage an initial auger survey followed by targeted evaluation trenching. These works can be secured by condition.

Cllr Jason Atkin

5.8 Having looked at the plans to me it would seem that this application for 23 dwellings is over development of this site, even given in the Local Plan the site is for up to 20 units and may only be able to accommodate under 15 units given the street scene and local vernacular of development and surrounding properties in my opinion. My second point for this development is its lack of open spaces and provision of play facilities for the development and the wider community.

Derbyshire County Council (Highways)

5.9 It is considered that the site can be served by a suitable vehicular access to Normanhurst Park with both appropriate visibility splays and width being achievable. It is also considered that the site offers suitable parking provision commensurate with the number and size of dwellings. Based on these comments, there are no objections to the principle of the development.

There are however some issues with the internal access road which will require improvement if the applicant wishes for the road(s) to be adopted as publicly maintainable highway. These issues are as follows:

1. The road width is indicated as 4.8m wide; the minimum acceptable width is 5m throughout the development to be adopted.

2. The left hand side of the access road after the entrance has only a 1m margin indicated; this will need to be increased to a 2m wide footway up to the private drive serving plots 10-13.
3. The swept path analysis is based on a 11.2m refuse vehicle. The required vehicle size is a 11.6m refuse vehicle. The footway/margin run over, which is identified using the 11.2m vehicle, would not be acceptable for an adopted layout and may be worsened by an 11.6m vehicle.
4. The entrance in to the site off Normanhurst Park shows 4m radii; these will need to be increased to 6m radii.
5. Clarification would be required on the length of road which is intended to be adopted as the site layout plan and the swept path analysis plan differ.

As submitted, the site layout would not be suitable for the development to be adopted as publicly maintainable highway.

It is also considered that the applicant provides an informal pedestrian crossing point on the A6 Dale Road South to allow pedestrians to cross and access the bus stops on the A6 in the vicinity of the site. This should be conditioned accordingly and the work undertaken as part of a legal agreement between the applicant and Derbyshire County Council under Section 278 of the Highways Act 1980.

Please include the following conditions in any consent granted:

1. Before any other operations are commenced (excluding demolition/ site clearance), space shall be provided within the site curtilage for storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives and visitors vehicles, laid out and constructed in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.
2. Throughout the period of the development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud or other extraneous material on the public highway.
3. Before any other operations are commenced a new vehicular access shall be created to Normanhurst Park in accordance with the application drawings, laid out, constructed and maintained in perpetuity free from any impediment to its designated use.
4. Before the first occupation of the dwellings space shall be provided within the application site in accordance with the application drawings for the parking of residents' vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.
5. The premises, the subject of the application, shall not be occupied until the proposed new estate streets within the application site have been designed and laid out in accordance with the County Council's Design Guide Delivering Streets and Places which can be accessed at http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control

and constructed to base level to adoptable standards all as agreed in writing with the Local Planning Authority.

6. Detailed designs shall be submitted to the Local Planning Authority for written approval indicating the provision of an uncontrolled pedestrian crossing on the A6 Dale Road South in the vicinity of the site, the proposed works being completed in accordance with the approved scheme prior to the first occupation of the dwellings.

Planning Policy (Derbyshire County Council):

- 5.10 Following an evaluation of recently approved major residential developments within the normal area of Darley Dale Primary School shows new development totalling 57 dwellings, amounting to an additional 14 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 6 primary pupils arising from the proposed development (based on a development of 23 houses).

It is advised that the proposed development falls within and directly relates to the normal area of Highfields School. The proposed development of 23 dwellings would generate the need to provide for an additional 7 secondary pupils (including post16). This figure would be reduced to 6 school places based on a development of 18 dwellings based on the formula used.

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

An evaluation of recently approved major residential developments within the normal area of Highfields School shows new development totalling 648 dwellings, amounting to an additional 182 secondary pupils (including post16).

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 6 secondary, including post16 pupils, arising from the proposed development.

Mitigation

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

- £168,198.42 towards the provision of 6 secondary places (including post 16) at Highfields School + additional education facilities.

The County Council also advise that an advisory note is included to request that developer works with broadband providers to ensure NGA broadband services are incorporated as part of the design of new development. If it can be shown that this would not be possible, practical or economically viable, in such circumstances, suitable ducting should be provided within the site and to the property to facilitate future installation.

Darley Dale Town Council:

- 5.11 Objections on the following grounds:
 - a. Cllr Oakley:

- i. Access road not suitable
 - ii. Pollution from railway
 - iii. Severn Trent high pressure pipe running through site is not fit for purpose
 - iv. Site is prone to flooding
- b. Cllr Elliot:
- i. Risk of over-development
 - ii. Does not blend in with local housing
 - iii. No green space/play area for children
 - iv. Risk of increased flooding downstream
- c. Cllr Farmer:
- i. Access road not suitable/fit for purpose for larger development
 - ii. Difficulty of access for delivery/service vehicles
 - iii. Proposed development does not suit the area
 - iv. Close proximity to active railway – noise pollution/particulate pollution
 - v. Lack of parking facilities for potential residents

Lead Local Flood Authority (Derbyshire County Council):

5.12 22/03/2022:

I have been going through the planning application and would like to request some further details:

- Groundwater is estimated to be less than 3m below the surface. The likelihood of groundwater should be demonstrated by way of boreholes, for example, to ensure the suitability of the attenuation tanks.
- We would also like some more details regarding the management of the proposed storage crates in relation to groundwater, should levels rise.
- I can see some of the Micro-Drainage calculations have been provided in the FRA. We would like to request the calculations for the entire drainage network, including all pipes and manholes.

27/09/2022:

As per our previous comments we would like assurance that potential for groundwater near the surface has been considered, in particular as crate attenuation is proposed. As per CIRIA C737, calculations should be provided to determine if mitigation for floatation of the attenuation is likely to be required and if so what mitigation is recommended. We appreciate that the developer would prefer this to be resolved by a suitable condition but given the potential for groundwater near the surface the drainage strategy may have to be amended depending on the results of further investigations and this could have implications for the layout of the site.

Derbyshire Wildlife Trust

5.13 The Preliminary Ecological Appraisal report (Ramm Sanderson, March 2022) for the above application recommends further survey work, inc. botanical survey and bats in trees. We also advise that reptile surveys should be undertaken to fully understand impacts to local reptile populations. The site comprises part of a wider strip of wet and dry grassland, with areas of fen, north of the rail line and south of the A6 (optimal reptile habitat), which is gradually being encroached upon over time by development. Records of grass snake (and common toads) are present and it should be ensured that the site design fully considers such species, habitat fragmentation is avoided and mitigation measures are secured. All surveys should be carried out prior to determination and the report updated to an Ecological Impact Assessment suitable for planning, as per Section 2.1 of the report. Proposals should demonstrate a net biodiversity gain, as per national and local planning policy. A Net Gain Plan should be submitted which should include the metric calculations, UKHabs habitat plans both pre- and post-development, a summary of how proposals meet the BNG Best Practice Principles and a strategy for dealing with any residual net loss. We note that a BNG assessment is proposed in the PEA and that the ecologists were waiting for the optimal survey season to conduct the habitat survey.

Trees and Landscape Design Officer (Derbyshire Dales)

5.14 The trees on site are subject to a DDDC Tree Preservation Order. It is important that all trees on site are retained unless their current structural condition would present unacceptable risk of harm to people or damage to property in the proposed new land use in their vicinity. I recommend that:

1. An Arboricultural Impact Assessment, which is based on the new site layout design, should be required to be submitted for approval pre-determination. The AIA should include a tree protection plan with fencing/ground protection specifications, and a tree shading plan.
2. In the event that any development or site activity would encroach into the root protection area (calculated according to the guidelines in BS5837 : 2012) or canopy spread of any retained trees, then a detailed site specific Arboricultural Method Statement should be required to be submitted for approval to discharge a condition to any grant of planning consent. The AMS should provide details of how any such works / activity could be undertaken without harm to retained trees.

Planting proposals

Details relating to proposed planting and soft landscaping should be submitted for approval. This should aim to improve biodiversity and support wildlife.

Strategic Housing (Derbyshire Dales)

5.15 The existing proposal for the affordable housing scheme is based upon a block of flats with each unit on two levels. Unsurprisingly this scheme has not proved popular with Registered Providers given the inherent risks associated with this form of development. The management and successful occupation by tenants of these types of flats will be prone to difficulty and no doubt lead to issues between neighbours.

The Housing Department at the Council is keen to see the development of 1 and 2 bedroom units in order to meet local housing need, 50% of the Council's Housing Register comprises single people. I believe the Council could secure a far more appropriate development of affordable homes on a different site, delivered in partnership with a local housing association. The off-site financial contribution would enable, when added to Homes England grant and borrowing from the registered provider, more of the right type homes in a planned and commissioned way. This would achieve a far better outcome for residents in housing need.

6.0 REPRESENTATIONS RECEIVED

6.1 A total of 21 representations have been received. A summary of the representations is outlined below:

- Concerns regarding additional traffic along the A6
- Does the number of development in the vicinity warrant the re-opening of the rail passenger services between Darley Dale and Matlock?
- Request that a pedestrian crossing over the railway be formed to allow access to the cycleway and fields beyond.
- There has been no consideration for Biodiversity Net Gain and the application fails to take account of the recommendations within the Ecological Assessment.
- The owners of properties at Normanhurst Park have for the last 20 + years leased cropped and maintained this site for use as an amenity area. The current owners have for the last two years made no attempt to crop or maintain this land in any way shape or form.
- The proposed development does not comply with the Neighbourhood Plan
- The proposed development does not comply with the Local Plan regarding green space.

- The development was added to the local Plan without any consultation with Darley Dale Town Council nor the residents of Darley Dale as a whole.
- The development as set out increases the number of properties from 20 to 23 contrary to that set out in the local plan.
- The development would result in harm to the character and appearance of the neighbourhood.
- The proposed apartment block is completely out of character with surrounding properties.
- The adopted road dimensions do not meet the highways criteria for large service vehicles and police fire and ambulance.
- The refuse truck for example would have to reverse into this new development. The development would increase traffic through a narrow pinch point at the drives of numbers 3,7 and 8 Normanhurst Park where it's difficult for two vehicles to pass safely.
- There is an excessive number of dwellings proposed for this site which would have an adverse impact on the character of the neighbourhood.
- The design of the development is out of character with Normanhurst Park.
- The open space on the northern side of the railway offers visual amenity to the neighbourhood and provides a corridor for wildlife.
- The development will harm the view from the neighbouring properties.
- A TPO tree is not shown on the plan. This tree should be retained.
- Insufficient parking is provided on the development which could lead to vehicles parking and turning on Normanhurst Park.
- The current Normanhurst Park road is a "pinch point" with insufficient room for a car to park and large vehicles to pass this could cause issues for emergency and delivery vehicles.
- The development does not take into consideration the difficulties in crossing the A6 or the width of parts of the pavement which would not be possible to use with a pushchair etc.,
- It is understood that the SUDS components of the drainage strategy will be managed by a management company. This would mean the properties would need to be leasehold which is not in line with government policy.
- There is no play space for children
- The development pays no heed to green energy provision.
- The development has 66 parking spaces with shared access driveways which would appear as a giant car park.
- Local school and health services are struggling to keep up with current demand.
- The development will harm the character of the landscape when viewed across the valley.
- The development will cater for younger families which is out of character with the existing retired community of Normanhurst Park.
- This development further contributes to the intensification of the ribbon development between Matlock and Darley Dale.
- The development is contrary to policy NP17 of the Darley Dale Neighbourhood Plan which prevents 3 storey properties in Lower Hackney.
- The site suffers from both air, odour and noise pollution from the adjacent railway line.
- The development will introduce a number of children to the area which could be dangerous due to the proximity of the railway.
- The urbanisation of the area will result in a loss of visual and residential amenity to existing occupants.
- An appropriate boundary wall and level crossing over the railway would help to mitigate some of the impacts.
- The meadow southwest of Normanhurst Park should be preserved for the public good. It provides attractive views from the Matlock to Rowsley cycle path and from Peak Rail.
- Concerns regarding the impact on biodiversity and protected species on site.
- The loss of a greenfield/meadow for development will increase the risk of flooding of the site and further down the river,

- Darley Dale is being transformed from a pleasant rural village into an urban settlement which, in a short space of time, will extend to Matlock.
- Concerns regarding disturbance to neighbours during construction of the new dwellings.
- The development would be hugely intrusive and therefore contrary to policy PD1.
- The field used to be green belt.
- The properties proposed have limited garden space which is inappropriate for young families.
- There are no jobs in the immediate area for residents of the new development.
- Object to the council's failure over the years to maintain the concept of greenbelt protection which was government policy in the late 1990s.
- The proposed number of dwellings constitutes overdevelopment of the site.
- The tilted balance should not be an argument used to approve and opposed development.
- Support provision of affordable homes but only where they are required to support local housing need.
- Request amendments to the A6 due to safety concerns.
- Request a zebra crossing due to highway safety concerns.
- Areas of the site are marshy and there are historic Victorian drains running through the site.
- New jobs should be provided prior to new homes being built to prevent the homes being occupied by retired residents or as second homes.
- The development could devalue properties on Normanhurst Park.
- There is no case for affordable housing.
- Attached an appraisal of Ardent Flood Risk Assessment and Drainage Strategy submitted by Chevin Homes which raises a number of issues.

7.0 OFFICER APPRAISAL

- 7.1 This application seeks full planning permission for the erection of 18 dwellings.
- 7.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission under the Act are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the purposes of the Act is the Adopted Derbyshire Dales Local Plan (2017) and the Darley Dale Neighbourhood Plan (2019). The National Planning Policy Framework (2021) is also 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 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
 - Climate Change
 - Highway safety
 - Flood risk and drainage
 - Pollution and Unstable Land
 - Residential amenity impacts
 - Impact on trees
 - Impact on biodiversity and wildlife, and

- Developer contributions and housing mix

Suitability of the location

- 7.5 The application site is located within the settlement boundary of Darley Dale, a second tier settlement as defined by policy S2 of the Adopted Derbyshire Dales Local Plan (2017). Policy S2 outlines that second tier settlements have the ability to support sustainable patterns of living in the District because of the current levels of facilities, services and employment opportunities that are available.
- 7.6 In this case, the application site is also identified by Policy HC2 of the Adopted Derbyshire Dales Local Plan (2017) as a strategic housing land allocation (HC2 (I)). The site has been allocated for 20 dwellings to help contribute to the District Councils housing requirement as set out in policy S5.
- 7.7 On the basis of the above, given that the application relates to the development of an allocated housing site, within a high order settlement, the proposed development is considered in principle to be acceptable.

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 The existing Normanhurst Park estate is characterised by large detached dwellings of stone construction with attached garages in close proximity to the open countryside. In this context, the proposed development as originally submitted which sought a total of 23 dwellings, including a three storey flat block was deemed to appear overly developed, cramped and out of character.
- 7.12 Amended plans have since been received which have reduced the total number of dwellings proposed to 18 and have also removed the affordable housing element of the proposed development which was previously to be accommodated with the 3 storey flat block. The development now comprises a number of larger, predominantly 3 or 4 bedroom dwellings, constructed in Birchover stone. Where there are smaller 2 bedroom dwellings, these have been designed as semi-detached dwellings which when appreciated with the attached property, appear as a larger, detached dwellinghouse in terms of their general footprint and form.
- 7.13 A buffer has been created between the existing Normanhurst Park and the proposed properties with bungalows also sited toward the boundaries of the site in order to allow for more open view through the development and into the open countryside beyond. The existing mature protected tree buffer between along the south eastern boundary has also been retained.

7.14 Whilst the amendments to the proposed scheme have impacted on the housing mix which is now proposed on site (the impact of which will be assessed below) in considering the proposed layout, design of dwellings and materials proposed solely in terms of the impact of the development on the character and appearance of the local landscape and the surrounding properties, the development is now considered to respect the character, identity and context of this part of the district.

Highway Safety:

7.15 The application proposes to take access from Normanhurst Park. The Highway Authority raise no objection to the proposed access as it would be a suitable geometry and be provided with appropriate visibility splays. There would be sufficient space within the development for refuse and emergency vehicles to manoeuvre. The proposed access therefore would be safe and traffic generated by the development would not adversely affect the highway network in accordance with Policy S3.

7.16 The Highway Authority has stated that the proposed access would not meet technical requirements to be adopted as public maintainable highway. However, the proposed access arrangements are acceptable on their merits and there is no requirement for the access to be built to adoptable standards provided it is appropriately managed and maintained.

7.17 Each dwelling would be provided with suitable off-street parking provision in accordance with Policy S3 and HC21. The provision of these parking spaces can be secured by planning condition.

7.18 The Highway Authority has recommended a planning condition to secure the provision of an informal pedestrian crossing point on Dale Road South (A6). This would be to allow pedestrians to cross and access the bus stops in the vicinity of the site. The provision of a crossing point would be reasonable to secure accessibility to local public transport in accordance with Policies S1 and HC19. This can be secured by condition.

7.19 Therefore, subject to planning conditions to agree site construction compound, wheel cleaning facilities, provision of access, parking, prior entry and a crossing point on the A6 the development would not harm highway safety and be in accordance with Policies S1, S3, HC19 and HC21.

Residential amenity impacts

7.20 The revised layout shows larger properties provided with off-street parking and front and rear gardens. The development would be easy to move through and around integrating car parking and pedestrian / cycle routes. The dwellings would exceed minimum National space standards. The proposed dwellings would be sited so that there would be no significant overlooking between occupants of the development and neighbouring properties and the development would not result in any significant loss of light or be overbearing.

7.21 The development would be located adjacent to the Peak Rail line to the south west boundary. There is the potential for noise and vibrations for occupants, however the mature tree planting on this boundary would be substantially retained and would mitigate any impact from the infrequent use of the railway.

7.22 Therefore occupants of the proposed development would have a high standard of privacy and amenity and the development would not harm the privacy or amenity of neighbouring properties in accordance with Adopted Local Plan Policies S1 and PD1.

Archaeology and the historic environment

- 7.23 The site is not located within a designated Conservation Area or within the setting of any designated or non-designated heritage asset. The development therefore would not harm any built heritage asset in accordance with policy PD2.
- 7.24 The site is located 390m to the north-west of a site on which archaeological investigation uncovered worked wood dated to the middle Iron Age as well as probable buried prehistoric land surface sealed by slope wash (colluvium). The County Archaeologist advises that these conditions may appertain to the application site and therefore there is the possibility of the survival of palaeo-environmental remains and/or prehistoric archaeology within the site.
- 7.25 The County Archaeologist therefore recommends that a scheme of archaeological work be undertaken before development commences on the site. This is considered to be reasonable and necessary given the possibility of archaeological interest on the site. Therefore a planning condition is recommended to require a written scheme of investigation to be approved and carried out to meet the requirements of Policy PD2.

Impact on trees

- 7.26 The trees on site are subject to a District Council Tree Preservation Order (TPO). The application is supported by an Arboricultural Impact Assessment (AIA) which identifies that a total of 15 Category C trees, 5 Category U trees and 1 Category B tree would be removed to facilitate the development. Furthermore a group of category U Ash trees would be removed and pruning works to the southern branches of a category C group of Cypress and Ash would be carried out.
- 7.27 The Trees and Landscape Officer recommends that all trees on site are retained unless their current structural condition would present unacceptable risk of harm to people or damage to property in the proposed new land use in their vicinity. Policy PD6 states that development should seek, where appropriate, to enhance the tree and woodland resource. Trees and woodlands should be retained and integrated within development wherever possible. Where the loss is justified replacement provision will be required utilising indigenous tree species and hedgerows as a minimum of an equivalent value to the trees and hedgerows to be lost.
- 7.28 The trees, which have been recommended for removal are all either category U or category C trees, with the exception of lime tree T15 which is a category B Lime tree. The proposed works are required to directly facilitate the development and where trees are unsuitable for retention. Therefore there is no objection to the loss of trees subject to securing a revised AIA to take into account the revised layout and appropriate replacement planting.
- 7.29 The application does include indicative plans showing replacement tree planting as part of biodiversity net gain. If planning permission is granted conditions would be recommended to secure the submission and implementation of a revised AIA and Arboricultural Method Statement (AMS) to mitigate impacts upon retained trees and a detailed landscaping plan including proposed replacement tree and hedgerow planting.
- 7.30 The development therefore demonstrates that, subject to planning conditions, it can be accommodated on the site without any significant harm to trees and that replacement planting can be secured in accordance with policy PD6.

Impact on biodiversity and wildlife

- 7.31 The development area does not form part of any internationally or nationally designated site, however, it comprises part of a wider strip of wet and dry grassland with areas of fen north of the railway line and south of the A6 which has potential for reptile and bat habitat and has been encroached upon over time by development.

- 7.32 Policy PD3 seeks to protect, manage and where possible enhance biodiversity by ensuring that development will not result in harm. Development will not be permitted which directly or indirectly results in significant harm to biodiversity interest unless it can be demonstrated that there is no appropriate alternative site available, statutory and regulatory requirements have been satisfied and appropriate conservation and mitigation measures are provided.
- 7.33 The application was submitted with a Preliminary Ecological Appraisal Report (PEAR). Further survey work has been carried out following advice from Derbyshire Wildlife Trust (DWT) along with and Biodiversity Net Gain plans and assessment.
- 7.34 DWT have been re-consulted on the amended scheme and the additional survey and reports and any further response will be provided at the meeting. The submitted reports demonstrate that the development can be accommodated without any significant harm to identified protected species and their habitat subject to the provision of appropriate mitigation which can be secured by planning condition.
- 7.35 Policy PD3 also encourages development to include measures to contribute to biodiversity to ensure that there is a net overall gain to biodiversity. The development would result in loss of neutral grassland and some areas of woodland closest to the developed area. Nevertheless the submitted biodiversity net gain matrix demonstrates that the development would result in a total on-site net gain of 19.63% habitat units and 7613.78% hedgerow units. This would be achieved through the provision of tree planting along the south-west and north-east boundaries, provision of marginal wildflower / grassland planting around the site and provision of native hedgerow along the north-east and south-east boundary and for boundary treatments throughout the site.
- 7.36 The applicant has demonstrated that, subject to planning conditions, the development can be accommodated on the site without harm to protected species or their habitat and that it would achieve biodiversity net gain in accordance with policy PD3. Derbyshire Wildlife Trust have advised that they will review the biodiversity net gain assessment proposals and additional survey work and recommend any conditions ahead of consideration of the item at planning committee.

Climate Change

- 7.37 Policy PD7 of the Adopted Derbyshire Dales Local Plan (2017) states that the District Council will “promote a development strategy that seeks to mitigate global warming, adapts to climate change and respects our environmental limits”. The District Council also have an Adopted Climate Change SPD which provides guidance on the implementation of policy PD7 structured around the following objectives:
- Securing enhanced green infrastructure
 - Managing drainage, flood risk and conserving water
 - Using less energy, increasing energy efficiency and promoting renewable energy
 - Reducing the need to travel and promoting sustainable transport
 - Improving building design and layout to meet the objectives
- 7.38 This application is accompanied by a Sustainability and Energy statement which sets out how the development seeks to meet the requirements of policy PD7 and the SPD.
- 7.39 The applicants outline the retention of existing planting and additional planting and green space provided throughout the site as securing ecological benefits within the scheme. The application also demonstrates that a biodiversity net gain is achievable. Management of drainage and flood risk is assessed further within this report. Measures to use less energy and promote renewable energy throughout the scheme include designing the dwellings to

achieve a minimum of Code for Sustainable Homes level 4, maximising solar gain through the orientation of dwellings and utilising low energy bulbs to internal and external light fittings. The statement also outlines the proximity of the site to bus stops and footpath links and the sustainable nature of the site being within a tier one settlement boundary. With regard to improved building design the following measures are set out:

- Installation of EV charging points for each dwelling;
- Energy-efficient building fabric and insulation to all heat loss floors, walls and roofs;
- Installation of high-performance insulated ground floors;
- High-efficiency double-glazed windows throughout;
- Quality of build will be confirmed by achieving good air-tightness results throughout to reduce air leakage;
- Efficient building services including high-efficiency heating systems;
- Low-energy lighting throughout the dwellings; and
- Water usage will meet the standards set out in Part G of the building regulations, which seek to promote water efficiency.

7.40 The submitted statement is considered to largely be acceptable however, in order to secure such measures, specific details of the materials or measures outlined above would be required by condition. Similarly, it is also considered to be necessary to secure the EV charging points by condition.

Pollution and Unstable Land

7.41 Policy PD9 of the Adopted Derbyshire Dales Local Plan (2017) aims to “protect people and the environment from unsafe, unhealthy and polluted environments” Consultation comments have been received from Environmental Health (Derbyshire Dales) which raise potential concerns regarding contamination of the land and request that a condition should be imposed, prior to commencement of development to investigate and if required, remedy any potential contamination. In accordance with the aims of policy PD9, it is considered that this condition would be necessary and reasonable in this case.

Density, Housing Mix and Developer Contributions

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

7.43 A housing mix statement has been prepared by the applicant, which considers housing need and the character of the area. It is recognised that the site will deliver 7 bungalows, which will help meet a known demand, which is reflected in the market assessment information presented for housing to meet the needs of the elderly. Bungalows are more land hungry, which reflects the reduced numbers of dwellings in the amended scheme. Such provision, however, enables a more appropriate response to the site and its relationship with existing development and the countryside beyond. The market assessment information also demonstrates the need for larger family housing. This and the strong character of the adjacent Normanhurst Park application, which comprises larger, house types provides justification for a skew towards larger housing types on the site. Taking the above into consideration the amount of development and mix of housing is considered to make full and effective use of the site and respond positively to its constraints and the character of the surrounding area. The development is therefore considered to satisfy the relevant provisions of the development plan in this respect.

- 7.44 In terms of affordable housing provision, policy H4 requires that 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 affordable housing provision should be in the form of 80% social and affordable rented accommodation with the balance being provided as intermediate housing or discount starter homes. Affordable housing provision should normally be provided in the form of completed dwellings, designed as an integral part of the development site itself and in perpetuity. In exceptional cases, the Council may however allow provision of affordable housing off-site or by means of a financial contribution of equivalent value.
- 7.45 The Director of Housing has advised that the provision of affordable housing on the site (based on local need) has not proved popular with Registered Providers. They advise that the Council could secure a far more appropriate development of one and two bed (based on current need) affordable homes on a different site, delivered in partnership with a local housing association. They therefore consider that an off-site financial contribution would be more appropriate in this case which, when added to Homes England grant and borrowing from the registered provider, more of the right type homes in a planned and commissioned way. This would achieve a far better outcome for residents in housing need and meet the requirements of Policy HC4. Notwithstanding the above, the government requires that at least 25% of all affordable housing units delivered by developers through planning obligations should be in the form of first homes (discounted sale units – which must be discounted by a minimum of 30% against the market value). This is the governments preferred discounted market tenure. On allocated sites such as this, first homes should be delivered. It is recommended that 2 no. first homes (37% provision) should be delivered. Based on housing need this should comprise two of the 2 bedroomed dwellings to be provided. The remainder of the affordable housing should then be provided in the form of an off-site contribution (equivalent to 3.4 units). Applying the formula for an off-site contribution in the Developer Contributions SPD a sum of £154,577.60 (3.4 x £45,464) would be required. This would constitute acceptable provision in accordance with the aims of Policy HC4 and national planning policy guidance.
- 7.46 In addition to the above, the County Council have advised that a financial contribution towards secondary and post 16 school places of £168,198.42 is required. Such contributions would need to be secured through a s106 legal agreement to ensure that appropriate developer contributions are made to meet the needs arising from the development. The Clinical Commissioning Group have not requested a health contribution in this case as the development falls under their assessment threshold. A request has been made from Chesterfield Royal Hospital for a contribution of £20,000 however this has not been demonstrated to be reasonably related in scale and kind to the development and is not linked to any capital project and therefore would not comply with CIL regulation requirements. Such requests should be made in partnership with the relevant CCG based on strategic infrastructure needs and the agreed methodology for contributions. Appropriate provision for open space will be made on site and play equipment of an appropriate design / appearance can be delivered with the associated landscaping works, which will need to be agreed by condition.

Flood Risk and Drainage

- 7.47 Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017) deals with flood risk management and water quality and advises that the District Council will support development proposals that avoid areas of current or future flood risk and which do not increase the risk of flooding elsewhere, where this is viable and compatible with other policies aimed at achieving a sustainable pattern of development. The policy also requires new developments shall incorporate appropriate Sustainable Drainage Measures (SuDs) in accordance with National Standards for Sustainable Drainage Systems.

- 7.48 The application is accompanied by a flood risk assessment and drainage strategy. Flood mapping provided by the EA shows the site is located outside of the 1 in 1000- year fluvial flood extent and the 1 in 100-year + 20% climate change allowance. As part of the development of the site, it is considered much of the surface water flood risk, which originates within the site, can be managed through the proposed surface water drainage strategy. It is, however, recommended that the proposed finished floor levels of the dwelling units should reside above external levels.
- 7.49 A surface water drainage strategy has been proposed, which directs surface water runoff from the public highways to a combination of swales and filter drains. The runoff from the dwelling and private driveways will be drained through permeable paving. The flow from the aforementioned SuDS will be attenuated via two below ground lined geo-cellular crates storage tanks. The volume optimisation throughout the surface water drainage network will be achieved through a hydro-brake flow control device where it will limit the flow from the site to 4.0l/s before discharging into STW manhole 9901 located mid-way near the southern boundary of the site. The site is located in $\geq 25\%$ to $<50\%$ area susceptible to groundwater flooding. The Lead Local Flood Authority therefore seek assurances that that potential for groundwater near the surface has been considered. The applicant is preparing calculations in relation to the risk of flotation of the attenuation features and will be recommending mitigation methods if required. This information will be presented to the Lead Local Flood Authority for comment and will be presented to planning committee as an item of late representation. Subject to demonstrating that the system will not be adversely affected by groundwater, with or without mitigation measures the development would be served by a sustainable urban drainage system that will control surface water flows from the development, to prevent flooding and overloading of the existing drainage system.

Conclusion

- 7.50 As set out in paragraph 7.6 the site is allocated in the Adopted Derbyshire Dales Local Plan (2017) for residential development under Policy HC2(l). Such sites are critical to the District Council meeting the spatial strategy and vision set out in this plan, particularly in respect of the delivery of housing to meet the districts objectively assessed housing needs. Subject to it being demonstrated to the satisfaction of the LLFA that the drainage system will not be adversely affected by groundwater, with or without mitigation measures and confirmation being received by Derbyshire Wildlife Trust that the wildlife mitigation and biodiversity enhancement proposals are acceptable, the applicant entering into a S106 planning obligation agreement to secure 2 no. first homes and an off-site affordable housing contribution equivalent to 3.4 units (£154,577.60) and a contribution of £168,198.42 towards secondary and post 16 school places and conditions (including any conditions recommended by the LLFA and Derbyshire Wildlife Trust) the development, in its revised form, addresses the relevant provisions of the development plan and national guidance. A recommendation of approval is put forward on this basis.

8.0 RECOMMENDATION

- 8.1 That authority be delegated to the Development Manager or Principal Planning Officer to grant planning permission, subject to the below conditions, following confirmation from the LLFA that the drainage system will not be adversely affected by groundwater, with or without mitigation measures and from Derbyshire Wildlife Trust that the wildlife mitigation and biodiversity enhancement proposals are acceptable and following the completion of a S106 planning obligation agreement to secure 2 no. first homes and an off-site affordable housing contribution equivalent to 3.4 units (£154,577.60) and a contribution of £168,198.42 towards secondary and post 16 school places.
1. The development hereby permitted must be begun before the expiration of three years from the date of this permission.

Reason:

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

2. This consent relates solely to the following plans and documents received by the Local Planning Authority:

Planning Statement (Design and Access Statement) (11/03/2022)
Arboricultural Assessment (11/03/2022)
Headline Biodiversity Results (20/09/2022)
Biodiversity Metric Tool (16/09/2022)
Sustainability and Energy Statement (15/09/2022)
Flood Risk Assessment (11/03/2022)
Ecological Survey (08/03/2022)
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Site Location Plan (11/03/2022)
Biodiversity Net Gain Baseline Habitat Plan (15/09/2022)
Biodiversity Net Gain Proposed Habitat Plan (15/09/2022)
Topographical Survey (11/03/2022)
Amended 02001 - Planning Layout as Proposed (16/08/2022)
Amended 2105420-SK02(B) – Transport Site Layout Review (16/08/2022)
Amended CH_21-002_100-010 - High Ridge Plot 11 Elevations (16/08/2022)
Amended CH_21-002_100-011 - High Ridge Plot 11 (16/08/2022)
Amended CH_21-002_100-012 – Priory Plot 12 Elevations(16/08/2022)
Amended CH_21-002_100-013 - Priory Plot 12(16/08/2022)
Amended CH_21-002_101-014 – Brakenhurst Plot 7(16/08/2022)
Amended CH_21-002_101-015 – Priory Plot 18 Elevations (16/08/2022)
Amended CH_21-002_101-016 – Priory Plot 18 (16/08/2022)
Amended CH_21-002_101-017 – Hawksmoor Plot 3 and 4(16/08/2022)
Amended CH_21-002_101-018 – Kinder Plot 6 (16/08/2022)
Amended CH_21-002_101-019 – Kinder Plot 10 and 13 (16/08/2022)
Amended CH_21-002_101-020 – Kinder Alt 1 Plot 9 (16/08/2022)
Amended CH_21-002_101-021 – Kinder Alt 2 Plot 8(16/08/2022)
Amended CH_21-002_101-023 - Corner Pair Plot 1, 2, 16, 17 (16/08/2022)
Amended CH_21-002_101-024 - Corner Pair Plot 1, 2, 16, 17 Elevations (16/08/2022)
Amended CH_21-002_101-025 – Glade Plot 14(16/08/2022)
Amended CH_21-002_101-026 – Starkholmes Plot 15 (16/08/2022)
Amended CH_21-002_101-027 – Starkholmes Plot 15 Elevations(16/08/2022)
Amended CH_21-002_101-028 – Filburn Plot 5 (16/08/2022)
Amended CH_21-002_101-029 – Garages Plot 6 and 7(16/08/2022)

Reason:

For the avoidance of doubt.

3. Before any other operations are commenced (excluding demolition/ site clearance), space shall be provided within the site curtilage for storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives and visitors vehicles, laid out and constructed in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.

Reason:

In the interests of highway safety in accordance with policy S3, PD1 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

4. Throughout the period of the development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud or other extraneous material on the public highway.

Reason:

In the interests of highway safety in accordance with policy S3 of the Adopted Derbyshire Dales Local Plan (2017).

5. Before any other operations are commenced a new vehicular access shall be created to Normanhurst Park in accordance with the application drawings, laid out, constructed and maintained in perpetuity free from any impediment to its designated use.

Reason

To ensure that a suitable form of access is made available to serve the development in accordance with policy S3 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

6. Before the first occupation of the dwellings space shall be provided within the application site in accordance with the application drawings for the parking of residents' vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

Reason:

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

7. The development hereby permitted shall not begin until a scheme to deal with contamination of land/ground gas/controlled waters has been submitted to and approved in writing by the local planning authority. The scheme shall include all of the following measures, unless the local planning authority dispenses with any such requirement specifically in writing:
 1. A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175: 2011 Investigation of Potentially Contaminated Sites – Code of Practice.
 2. A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice. The report shall include a detailed quantitative human health and environmental risk assessment.
 3. A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation shall be stated, and how this will be validated. Any ongoing 2 monitoring shall also be determined.
 4. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed in an appropriate

remediation scheme which shall be submitted to and approved in writing by the local planning authority.

5. A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted prior to first occupation of the development/the development being brought into use. Details of any post-remedial sampling and analysis to demonstrate that the site has achieved the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

Reason:

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

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

Reason:

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

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

Reason:

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

10. No development shall take place until a revised Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement (AMS) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:

To ensure that mitigation and enhancement measures are implemented to conserve protected species in accordance with Adopted Local Plan Policy PD3.

11. No dwelling shall be occupied until a Landscape Ecological Management Plan (LEMP) which shall include the provision of and management of on-site biodiversity net gain and timescale for implementation has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and managed throughout the lifetime of the development.

Reason:

To ensure that the development is carried out and managed and to conserve and enhance biodiversity in accordance with Adopted Local Plan Policy PD3.

12. 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) indications of all existing trees, hedgerows and other vegetation on the land;
- b) soil preparation, cultivation and improvement;
- c) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
- d) grass seed mixes and sowing rates;
- e) finished site levels and contours;
- f) means of enclosure;
- g) car park layouts;
- h) other vehicle and pedestrian access and circulation areas;
- i) hard surfacing materials;
- j) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- k) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- l) play equipment to serve the development.

Reason:

To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features in accordance with Adopted Local Plan Policy PD5.

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

Reason:

To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features in accordance with Adopted Local Plan Policy PD5.

14. No dwelling shall be occupied until a Landscape Ecological Management Plan (LEMP) which shall include the provision, timescales for implementation, management and maintenance schedules of landscaping on-site and proposals for biodiversity net gain has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and managed throughout the lifetime of the development.

Reason:

To ensure that the development is carried out and managed and to conserve and enhance biodiversity in accordance with Adopted Local Plan Policy PD3.

15. No development shall take place until a Written Scheme of Investigation (WSI) of investigation for archaeological work has been submitted to and approved in writing by the Local Planning Authority, and until any pre-start element of the approved WSI has been completed to the written satisfaction of the Local Planning Authority. The WSI shall include an assessment of significance and research questions; and

- The programme and methodology of site investigation and recording
- The programme for post investigation assessment
- Provision to be made for analysis of the site investigation and recording
- Provision to be made for publication and dissemination of the analysis and records of the site investigation
- Provision to be made for archive deposition of the analysis and records of the site investigation
- Nomination of a competent person, persons or organisation to undertake the works set out within the WSI.

No development shall take place other than in accordance with the archaeological WSI approved under part A.

No part of the development shall be occupied until the site investigation and post investigation have been completed in accordance with the programme set out in the archaeological WSI approved under part A and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason:

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

16. Prior to construction of the approved dwellinghouses, details of measures to mitigate the effects of and adapt to climate change at the site and associated timetable for delivery of the measures shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall thereafter be carried out in accordance with the approved details.

Reason:

In the interests of climate change minimisation in accordance with Policy PD7 of the Adopted Derbyshire Dales Local Plan (2017).

17. Notwithstanding the provisions of Class A, Class E or Class F of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no extensions, buildings or hard surfaces shall be erected within the curtilage of plot 12 and plot 14 without the prior written permission of the Local Planning Authority on an application submitted to it.

Reason:

To safeguard protected and new trees in accordance with policy PD6 of the Adopted Derbyshire Dales Local Plan (2017).

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or re-

enacting that Order with or without modification) no development falling within Class B of Part 1 of Schedule 2 of the said Order shall be carried out without the prior written permission of the Local Planning Authority on an application submitted to it.

Reason:

To preserve the character and appearance of the development and wider area in accordance with policies PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

19. 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 shall be submitted to and approved in writing by the Local Planning Authority.

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).

20. No dwelling shall be occupied until an uncontrolled pedestrian crossing on the A6 Dale Road South in the vicinity of the site has been provided in accordance with details first submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure pedestrian connectivity in accordance with the aims of policies S1, S3, HC19 of the Adopted Derbyshire Dales Local Plan (2017).

+ any conditions recommended by Derbyshire Wildlife Trust and the Lead Local Flood Authority.

9.0 NOTES TO APPLICANT:

The Local Planning Authority prior to and during the consideration of the application engaged in a positive and proactive dialogue with the applicant which resulted in the submission of a scheme that overcame initial concerns relating to

The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £34 per householder request and £116 per request in any other case. The fee must be paid when the request is made and cannot be required retrospectively.

Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained by emailing ETE.DevControl@derbyshire.gov.uk. The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained by emailing ETE.DevControl@derbyshire.gov.uk.

The developer is encouraged to work with broadband providers to ensure NGA broadband services are incorporated as part of the design of new development. If it can be shown that this would not be possible, practical or economically viable, in such circumstances, suitable ducting should be provided within the site and to the property to facilitate future installation.

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

This Decision Notice relates to the following documents and plans:

Planning Statement (Design and Access Statement) (11/03/2022)
Arboricultural Assessment (11/03/2022)
Headline Biodiversity Results (20/09/2022)
Biodiversity Metric Tool (16/09/2022)
Sustainability and Energy Statement (15/09/2022)
Flood Risk Assessment (11/03/2022)
Ecological Survey (08/03/2022)
NHCA Email (24/08/2022)
Housing Needs Assessment (23/08/2022)
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Amended CH_21-002_100-010 - High Ridge Plot 11 Elevations (16/08/2022)
Amended CH_21-002_100-011 - High Ridge Plot 11 (16/08/2022)
Amended CH_21-002_100-012 – Priory Plot 12 Elevations(16/08/2022)
Amended CH_21-002_100-013 - Priory Plot 12(16/08/2022)
Amended CH_21-002_101-014 – Brakenhurst Plot 7(16/08/2022)
Amended CH_21-002_101-015 – Priory Plot 18 Elevations (16/08/2022)
Amended CH_21-002_101-016 – Priory Plot 18 (16/08/2022)
Amended CH_21-002_101-017 – Hawksmoor Plot 3 and 4(16/08/2022)
Amended CH_21-002_101-018 – Kinder Plot 6 (16/08/2022)
Amended CH_21-002_101-019 – Kinder Plot 10 and 13 (16/08/2022)
Amended CH_21-002_101-020 – Kinder Alt 1 Plot 9 (16/08/2022)
Amended CH_21-002_101-021 – Kinder Alt 2 Plot 8(16/08/2022)
Amended CH_21-002_101-023 - Corner Pair Plot 1, 2, 16, 17 (16/08/2022)
Amended CH_21-002_101-024 - Corner Pair Plot 1, 2, 16, 17 Elevations (16/08/2022)
Amended CH_21-002_101-025 – Glade Plot 14(16/08/2022)
Amended CH_21-002_101-026 – Starkholmes Plot 15 (16/08/2022)
Amended CH_21-002_101-027 – Starkholmes Plot 15 Elevations(16/08/2022)
Amended CH_21-002_101-028 – Filburn Plot 5 (16/08/2022)
Amended CH_21-002_101-029 – Garages Plot 6 and 7(16/08/2022)