

Planning Committee 13th December 2022

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

MATERIAL PLANNING ISSUES

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

RECOMMENDATION

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

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

1.0 THE SITE AND SURROUNDINGS

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





2.0 DETAILS OF THE APPLICATION

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

The breakdown of housing proposed would be as follows:-

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

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

- 2.2 The application is accompanied by the following reports:-

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

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

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

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

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1. Adopted Derbyshire Dales Local Plan 2017

S1 Sustainable Development Principles
S2 Settlement Hierarchy
S4 Development within the Countryside
PD1 Design and Place Making
PD2 Protecting the Historic Environment
PD3 Biodiversity and the Natural Environment
PD5 Landscape Character
PD6 Trees, Hedgerows and Woodlands
PD7 Climate Change
PD8 Flood Risk Management and Water Quality
PD9 Pollution Control and Unstable Land
HC4 Affordable Housing Provision
HC11 Housing Mix and Type
HC14 Open Space, Sports and Recreation Facilities
HC17 Promoting Sport, Leisure and Recreation
HC19 Accessibility and Transport
HC20 Managing Travel Demand
HC21 Car Parking Standards.

3.2. Other:

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

4.0 RELEVANT PLANNING HISTORY:

None

5.0 CONSULTATION RESPONSES

Matlock Town Council

5.1 Objects on the following grounds -

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

Environmental Health:

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

Highway Authority:

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

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

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

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

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

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

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

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

Lead Local Flood Authority (LLFA):

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

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

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

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

Education Authority (DDC):

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

Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area primary school would have sufficient capacity to accommodate the 18 primary pupils arising from the proposed development.

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

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

Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area secondary school would not have sufficient capacity to accommodate the 21 secondary with post 16 pupils arising from the proposed development.

The above analysis indicates that there would be a need to mitigate the impact of the proposed development on school places in order to make the development acceptable in planning terms.

The County Council therefore requests financial contributions as follows:

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

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

Planning Policy (DCC)

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

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

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

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

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

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

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

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

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

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

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

NHS Commissioning Group

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

Chesterfield Royal Hospital

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

Housing Director (DDDC)

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

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

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

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

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

5 affordable home ownership:

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

Archaeologist (DDC)

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

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

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

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

Tree and Landscape Officer (DDDC)

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

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

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

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

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

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

This should include:

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

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

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

Derbyshire Fire and Rescue Service

5.12 Access is considered adequate.

Derbyshire Wildlife Trust

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

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

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

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

Environment Agency

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

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

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

Derbyshire Police Force Designing Out Crime Officer

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

Matlock Civic Association

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

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

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

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

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

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

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

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

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

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

Cllr Steve Wain

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

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

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

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

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

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

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

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

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

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

6.0 REPRESENTATIONS RECEIVED

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

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

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

7.0 OFFICER APPRAISAL

- 7.1 This application seeks outline permission for up to 75 dwellings on the site, with all matters other than access reserved for subsequent approval.
- 7.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission under the Act are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the purposes of the Act is the Adopted Derbyshire Dales Local Plan (2017) and SPD documents cited in the policy section of this report. The National Planning Policy Framework (2021) is a material consideration in respect of this application.
- 7.3 The Council is unable to demonstrate a 5 year housing land supply at this time and the tilted balance in favour of the development is engaged by virtue of Para 11d) of the National Planning Policy Framework (2021).
- 7.4 As part of the consideration of future housing needs and the Council's aspirations for growth and economic recovery, a call for sites as part of the Strategic Housing Land Availability Assessment process was undertaken between 26th May and 7th July 2021. The application site was put forward as part of this exercise. The assessment of the site, in terms of its deliverability is considered in the issues section of this report.

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

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

Suitability of Location

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

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

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

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

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

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

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

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

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

Impact on Heritage

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

Highway considerations

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

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

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

Flood risk and drainage

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

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

Residential amenity impacts

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

Impact on trees, biodiversity and wildlife

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

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

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

Developer contributions and housing mix

- 7.49 Policy S10 advises that suitable arrangements will be put in place to improve infrastructure, services and community facilities, where necessary when considering new development, including providing for health and social care facilities, in particular supporting the proposals that help to deliver the Derbyshire Health and Wellbeing Strategy and other improvements to support local Clinical Commissioning Groups (CCG) and facilitating enhancements to the capacity of education, training and learning establishments throughout the Plan Area.
- 7.50 The following Section 106 contributions are required to meet the demands deriving from the development.
- The NHS Commissioning Group require a contribution of £67,680 for enhancing capacity / infrastructure within the existing local practices of Imperial Road Surgery Matlock and Ashover Branch and Ivy Grove Surgery Matlock.
 - The Education Authority has indicated that a contribution of £588,694.47 towards the provision of 21 secondary places with post 16 at Highfield School + additional education facilities.
 - A contribution of £5,280 to mitigate the additional demand on library services.
 - A contribution of £3,750 which is to be payable towards Travel Plan monitoring for the development site. The contribution amount will be available to the Highway Authority over a period of 5 years after the occupation of the last dwelling.
- 7.51 In order to address the significant need for affordable housing across the Plan area, all residential developments of 11 dwellings or more or with a combined floorspace of more than 1000 square metres should provide 30% of the net dwellings proposed as affordable housing. In terms of on-site provision a scheme will need to be agreed with the District Council as part of the requirements of the s106 to satisfy the relevant provisions of the development plan and national guidance and affordable housing need at that time, including provision for first homes. The applicant has put forward a scheme for 30% affordable housing provision equating to 23 homes with 18 as affordable rent and 5 as affordable home ownership, with 25% to be provided as First Homes, which is supported by the District Council's Housing Team. It is anticipated that units would be delivered on site. This is considered to constitute acceptable provision in accordance with Policy HC4.
- 7.52 Policy HC11 of the Adopted Derbyshire Dales Local Plan prescribes a housing mix to meet the District Councils housing needs and to create a sustainable, balanced and inclusive communities. An indicative housing mix of 11% one bed, 35%, two bed, 46% three bed and 8% four bed for the market housing is included within the Design and Access Statement. The Director of Housing has provided details of the mix required for the affordable housing of 33% one bed, 44% two bed and 22% three bed. These mixes are similar to that required by Policy HC11 and thus are considered acceptable.
- 7.53 Policy HC14 requires new residential developments of 11 dwellings or more to provide or contribute towards public open space and sports facilities in accordance with table 6. The SPD on Developer Contributions dated February 2020 supercedes this table as it is based on the updated study from January 2018. This 2018 study concluded that whilst the quantity and quality of open space and recreation facilities across the District are in most cases sufficient the following deficiencies were identified as likely to occur by 2033
- Parks and Gardens – 2.42ha
 - Natural and semi natural greenspaces – 16.16ha
 - Amenity greenspace – 2.54ha

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

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

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

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

The Planning Balance

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

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

8.0 RECOMMENDATION

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

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

Subject to the following conditions:

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

Reason:

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

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

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

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

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

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

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

Reason:

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

17. A new vehicular access shall be created to Chesterfield Road in accordance with the application drawing ref: T20531-001-Rev. B, laid out, constructed and provided with 2.4m x 120m visibility splays in both directions, the area in advance of the sightlines being maintained throughout the life of the development clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

Reason:

To ensure adequate visibility at the highway junction/site access in the interests of road safety in accordance with Policy HC19 of the Adopted Derbyshire Dales Local Plan (2017).

18. No works shall take place, including any demolition, site clearance or ground works, until a Construction Method Statement comprehensively detailing the phasing and logistics of demolition/construction has been submitted to and approved in writing by the local planning authority.

The method statement shall include, but not be limited to:

- (i) Construction traffic routes, including provision for access to the site
- (ii) Entrance/exit from the site for visitors/contractors/deliveries
- (iii) Location of directional signage within the site
- (iv) Siting of temporary containers
- (v) Parking for contractors, site operatives and visitors
- (vi) Identification of working space and extent of areas to be temporarily enclosed and secured during each phase of construction
- (vii) Temporary roads/areas of hard standing
- (viii) Schedule for large vehicles delivering/exporting materials to and from site
- (ix) Storage of materials and large/heavy vehicles/machinery on site
- (x) Measures to control noise and dust
- (xi) Details of street sweeping/street cleansing/wheelwash facilities
- (xii) Details for the recycling/disposing of waste resulting from demolition and construction works
- (xiii) Hours of working, and
- (xiv) Phasing of works including start/finish dates.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason:

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

19. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following.
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction, including a sensitive approach to site clearance to safeguard reptiles and supervised strip of Building 1 to safeguard bats, along with best practice measures to safeguard badgers, hedgehogs and nesting birds.
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.

- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

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

Reason:

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

20. A Landscape and Biodiversity Enhancement and Management Plan (LBEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The aim of the LBEMP is to enhance and sympathetically manage the biodiversity value of onsite habitats, in line with the proposals reflected in the submitted Biodiversity Metric and to achieve no less than a +12.79 % net gain. The LBEMP should combine both the ecology and landscape disciplines and shall be suitable to provide to the management body responsible for the site. It shall include the following:-
- a) Description and location of features to be retained, created, enhanced and managed, as per the approved biodiversity metric.
 - b) Aims and objectives of management, in line with desired habitat conditions detailed in the metric.
 - c) Appropriate management methods and practices to achieve aims and objectives.
 - d) Prescriptions for management actions.
 - e) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity).
 - f) Details of the body or organization responsible for implementation of the plan.
 - g) A monitoring schedule to assess the success of the habitat creation and enhancement measures
 - h) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
 - i) Detailed habitat enhancements for wildlife, in line with British Standard 42021:2022 and the recommendations in Section 7 of the submitted Environmental Impact Assessment (Ramm Sanderson, 2022).
 - j) Details of offset gullies and drop kerbs in the road network to safeguard amphibians.
 - k) Detailed specifications for open water / swale / rain garden habitats to provide biodiversity benefits.
 - l) Requirement for a statement of compliance upon completion of planting and enhancement works.

The LBEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

Reason:

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

21. No development hereby approved shall take place until a scheme for the mitigation of land drainage, to intercept surface water run-off/land drainage flows from outside of the developable area, has been submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that flows from outside of the developable area are appropriately managed and mitigated to comply with the requirements of Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

22. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:

- a. BWB consulting. (Aug 2022). *Sustainable Drainage Statement*. CRM-BWB-ZZ-XX-RP-CD-0001_SDS.
- b. BWB consulting. (Aug 2022). *Flood Risk Assessment*. CRM-BWB-ZZ-XX-RP-YE-0002-FRA.

“Including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team”

- c. And DEFRA’s Non-statutory technical standards for sustainable drainage systems (March 2015),

have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason:

To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the Local Planning Authority, in advance of full planning consent being granted to comply with the requirements of Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 80 reference ID: 7-080-20150323 of the planning practice guidance. The assessment should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy:

- I. into the ground (infiltration);
- II. to a surface water body;
- III. to a surface water sewer, highway drain, or another drainage system;
- IV. to a combined sewer.

Reason:

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

23. Prior to commencement of the development, the applicant shall submit for approval to the LPA details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection,

balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the LPA, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.

Reason:

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

24. The attenuation pond should not be brought into use until such a time as it is fully designed and constructed in line with CIRIA SuDS manual C753 and an associated management and maintenance plan, also in line with CIRIA SuDS Manual C753 is submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed attenuation pond does not increase flood risk, that the principles of sustainable drainage are incorporated into the proposal, the system is operational prior to first use and that maintenance and management of the sustainable drainage systems is secured for the future.

25. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Reason:

To ensure that the drainage system is constructed to the national Non-statutory technical standards for sustainable drainage and CIRIA standards C753.

9.0 NOTES TO APPLICANT:

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

The applicant is advised in respect of any future approval of reserved matters application that the dwellings should utilise vernacular materials and the development should incorporate locally distinctive landscape features.

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

This permission relates solely to the application
Location Plan 001B

Parameter Plan No. 005
Illustrative Layout Plan 006 G
Preliminary Arboricultural Impact Assessment
Design and Access Statement;
Landscape and Visual Impact Assessment;
Ecological Impact Assessment;
Built Heritage Statement.;
Archaeological Desk Based Assessment;
Flood Risk Assessment;
Sustainable Drainage Statement
Noise Impact Assessment;
Statement of Community Involvement;
Travel Plan;
Transport Assessment.
Climate Change Statement
Geo-environmental Assessment
Geo-environmental Desk Study Report
Geophysical Survey Report
Utilities Assessment Report

Local Highway Authority Advisory Notes

The Highways Authority advise that there are some design issues with the indicative internal layout of the site which may prejudice the adoption of the site as publicly maintainable highway, however the form of layout can be amended and dealt with during the reserved matters application.

1. Any recommendation for approval is also subject to a planning obligation for a Travel Plan plus monitoring under section 106 of the Town and Country Planning Act 1990 the purpose of which is to exercise controls to secure the proper transport planning of the area.
2. Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Development Control Implementation Officer - Place at County Hall, Matlock (Tel: 01629 580000).
3. It is an offence to carry out any works within the public highway without permission of the Highway Authority. The grant of planning permission will require the applicant to enter into a S278 Agreement with the Council as Highway Authority for the off-site highway works. This agreement will contain details of the improvement works, construction conditions and financial arrangements under which agreed measures can be put in place, including indemnifying the Council against third party claims. Further information please be obtained from the Development Control Implementation Officer - Place at County Hall, Matlock (Tel: 01629 580000).
4. It is an offence to carry out any works in relation to any proposed public highway without permission of the Highway Authority. Permission under the Town and Country Planning Act 1990 should not be construed as approval to the highway engineering details necessary for inclusion in an agreement under S38 of the Highways Act 1980. Any roadworks included in the application that are to be considered for adoption as maintainable highway will require a S38 Agreement. Further information can be obtained from the Development Control Implementation Officer - Place at County Hall, Matlock (Tel: 01629 580000).
5. Any temporary traffic management arrangements required in connection with this application shall be in accordance with Chapter 8 of the Traffic Signs Manual and New Roads and Streetworks Act 1991.

6. Any adjustment, re-siting and / or protection of any statutory undertaker's apparatus in the highway shall be undertaken with the prior written consent of the relevant Authority and shall be carried out at the applicant's own expense.
7. Care should be taken when determining locations of new trees/shrubs, they should be located a sufficient distance away from the highway boundary as to not affect the integrity of the boundary structure, they should also be located in areas so that when fully grown the canopy of the tree does not overhang highway land, planting proposals must be to the written approval of the Local Planning Authority, in consultation with The Highway Authority.
8. The applicant should note that planning permission does not constitute permission under the Highways Act for various activities that may be associated with the development i.e. use of the existing highway/footway/verge to: for example; deposit material, deposit skips, erect scaffolding, excavate within the highway or erect traffic management apparatus. Such activities will require the separate consent of the Highway Authority.
9. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

EA Advisory Notes

The EA advise that proposed development is located on or within 250m of a landfill site that is potentially producing landfill gas.

Landfill gas consists of methane and carbon dioxide. It is produced as the waste in the landfill site degrades. Methane can present a risk of fire and explosion. Carbon dioxide can present a risk of asphyxiation or suffocation. The trace constituents of landfill gas can be toxic and can give rise to long and short term health risks as well as odour nuisance.

The risks associated with landfill gas will depend on the controls in place to prevent uncontrolled release of landfill gas from the landfill site. Older landfill sites may have poorer controls in place and the level of risk may be higher or uncertain due to a lack of historical records of waste inputs or control measures.

Development on top of or within 50m of any permitted landfill site that accepted hazardous or non-hazardous waste should be considered very carefully, as even with appropriate building control measures in place, landfill gas can accumulate in confined spaces in gardens (e.g. sheds, small extensions) and can gain access to service pipes and drains where it can accumulate or migrate away from the site.

Under the conditions of the environmental permit for the landfill, the operator is required to monitor for sub-surface migration of landfill gas from the site. An examination of our records of this monitoring show that there no previous evidence of landfill gas migration from the site that could affect the proposed development. This environmental monitoring data from the site is available on our public register.

You should consider the potential risk to the development from landfill gas, ensuring that appropriate assessments have been carried out to identify potential risks. Where risks are identified you should ensure that measures to address these concerns are included as part of any planning permission. We would advise seeking the views of your local planning authority's Environmental Health and Building Control departments to ensure that any threats from landfill gas have been adequately addressed in the proposed development. Where this includes building construction techniques that minimise the possibility of landfill gas entering any enclosed structures on the site, you should consider the removal of permitted development rights to ensure that these prevention measures are not compromised by future alterations/extensions.

The following publications provide further advice on the risks from landfill gas and ways of managing these:

- Waste Management Paper No 27
- Environment Agency LFTGN03 'Guidance on the Management of Landfill Gas'
- Building Research Establishment guidance – BR 414 'Protective Measures for Housing on Gas-contaminated Land' 2001
- Building Research Establishment guidance – BR 212 'Construction of new buildings on gas-contaminated land' 1991
- CIRIA Guidance – C665 'Assessing risks posed by hazardous ground gases to buildings' 2007

Where a development involves any significant construction or related activities, we would recommend using a management and reporting system to minimise and track the fate of construction wastes, such as that set out in PAS402: 2013, or an appropriate equivalent assurance methodology. This should ensure that any waste contractors employed are suitably responsible in ensuring waste only goes to legitimate destinations.

Land Drainage Advisory Notes

Please note that any proposals to outfall or engineer a point of discharge from any of the proposed land drainage features for this development site, directly or indirectly onto the public footway/ highway, will not be acceptable to Derbyshire County Council as the Highway Authority.

- A. The County Council does not adopt any SuDS schemes at present (although may consider ones which are served by highway drainage only). As such, it should be confirmed prior to commencement of works who will be responsible for SuDS maintenance/management once the development is completed.
- B. Any works in or nearby an ordinary watercourse may require consent under the Land Drainage Act (1991) from the County Council. For further advice, or to make an application please contact Flood.Team@derbyshire.gov.uk.
- C. No part of the proposed development shall be constructed within 5-8m of an ordinary watercourse and a minimum 3 m for a culverted watercourse (increases with size of culvert). It should be noted that DCC have an anti-culverting policy.
- D. The applicant should be mindful to obtain all the relevant information pertaining to proposed discharge in land that is not within their control, which is fundamental to allow the drainage of the proposed development site.
- E. The applicant should demonstrate, to the satisfaction of the Local Planning Authority, the appropriate level of treatment stages from the resultant surface water discharge, in line with Table 4.3 of the CIRIA SuDS Manual C753.
- F. The County Council would prefer the applicant to utilise existing landform to manage surface water in mini/sub-catchments. The applicant is advised to contact the County Council's Flood Risk Management team should any guidance on the drainage strategy for the proposed development be required.
- G. The applicant should provide a flood evacuation plan which outlines:
 - The flood warning procedure
 - A safe point of extraction

- How users can safely evacuate the site upon receipt of a flood warning
 - The areas of responsibility for those participating in the plan
 - The procedures for implementing the plan
 - How users will be made aware of flood risk
 - How users will be made aware of flood resilience
 - Who will be responsible for the update of the flood evacuation plan
- H. Flood resilience should be duly considered in the design of the new building(s) or renovation. Guidance may be found in BRE Digest 532 Parts 1 and 2, 2012 and BRE Good Building Guide 84.
- I. Surface water drainage plans should include the following:
- Rainwater pipes, gullies and drainage channels including cover levels.
 - Inspection chambers, manholes and silt traps including cover and invert levels.
 - Pipe sizes, pipe materials, gradients, flow directions and pipe numbers.
 - Soakaways, including size and material.
 - Typical inspection chamber / soakaway / silt trap and SW attenuation details.
 - Site ground levels and finished floor levels.
- J. On Site Surface Water Management;
- The site is required to accommodate rainfall volumes up to the 1% probability annual rainfall event (plus climate change) whilst ensuring no flooding to buildings or adjacent land.
 - The applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas, etc, to demonstrate how the 30 year + 35% climate change and 100 year + 40% Climate Change rainfall volumes will be controlled and accommodated. In addition, an appropriate allowance should be made for urban creep throughout the lifetime of the development as per 'BS 8582:2013 Code of Practice for Surface Water Management for Developed Sites' (to be agreed with the LLFA).
 - Production of a plan showing above ground flood pathways (where relevant) for events in excess of the 1% probability annual rainfall event, to ensure exceedance routes can be safely managed.
 - A plan detailing the impermeable area attributed to each drainage asset (pipes, swales, etc), attenuation basins/balancing ponds are to be treated as an impermeable area.

Peak Flow Control

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

Volume Control

- For greenfield developments, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hour 1% probability annual rainfall event must not exceed the greenfield runoff volume for the same event.
- For developments which have been previously developed, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hour 1% probability

annual rainfall event must be constrained to a value as close as is reasonably practicable to the greenfield runoff volume for the same event, but must not exceed the runoff volume for the development site prior to redevelopment for that event.

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

- Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional.
 - Where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning signage should be provided to inform of its presence. Cellular storage and infiltration systems should not be positioned within the highway.
 - Guidance on flood pathways can be found in BS EN 752.
 - The Greenfield runoff rate which is to be used for assessing the requirements for limiting discharge flow rates and attenuation storage for a site should be calculated for the whole development area (paved and pervious surfaces - houses, gardens, roads, and other open space) that is within the area served by the drainage network, whatever the size of the site and type of drainage system. Significant green areas such as recreation parks, general public open space, etc., which are not served by the drainage system and do not play a part in the runoff management for the site, and which can be assumed to have a runoff response which is similar to that prior to the development taking place, may be excluded from the greenfield analysis.
- K. If infiltration systems are to be used for surface water disposal, the following information must be provided:
- Ground percolation tests to BRE 365.
 - Ground water levels records. Minimum 1m clearance from maximum seasonal groundwater level to base of infiltration compound. This should include assessment of relevant groundwater borehole records, maps and on-site monitoring in wells.
 - Soil / rock descriptions in accordance with BS EN ISO 14688-1:2002 or BS EN ISO 14689-1:2003.
 - Volume design calculations to 1% probability annual rainfall event + 40% climate change standard. An appropriate factor of safety should be applied to the design in accordance with CIRIA C753 – Table 25.2.
 - Location plans indicating position (soakaways serving more than one property must be located in an accessible position for maintenance). Soakaways should not be used within 5m of buildings or the highway or any other structure.
 - Drawing details including sizes and material.
 - Details of a sedimentation chamber (silt trap) upstream of the inlet should be included.
- Soakaway detailed design guidance is given in CIRIA Report 753, CIRIA Report 156 and BRE Digest 365.
- L. All Micro Drainage calculations and results must be submitted in .MDX format, to the LPA. (Other methods of drainage calculations are acceptable.)
- M. The applicant should submit a comprehensive management plan detailing how surface water shall be managed on site during the construction phase of the development ensuring there is no increase in flood risk off site or to occupied buildings within the development.
- N. The applicant should manage construction activities in line with the CIRIA Guidance on the Construction of SuDS Manual C768, to ensure that the effectiveness of proposed SuDS features is not compromised.

