

Planning Committee 13th December 2022

APPLICATION NUMBER		22/00938/FUL	
SITE ADDRESS:		Land North of Old Marston Lane, Doveridge	
DESCRIPTION OF DEVELOPMENT		Erection of 18no. dwellinghouses and associated development	
CASE OFFICER	Sarah Arbon	APPLICANT	Owl Homes and Thompson Farming
PARISH/TOWN	Doveridge	AGENT	Mr Richard West – Cerda Planning Ltd
WARD MEMBER(S)	Cllr. J. Alison	DETERMINATION TARGET	17 th November 2022
REASON FOR DETERMINATION BY COMMITTEE	Major application and number of unresolved objections	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to consider the impact of the development on its surroundings

MATERIAL PLANNING ISSUES

- The acceptability of the development
- Impact on residential amenity
- Impact on trees and ecology
- Character and appearance
- Flood risk
- Highway safety
- Development contributions and measures to mitigate the effects of and adapt to climate change

RECOMMENDATION

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

- 6 affordable dwelling units on-site,
- £72,663.30 towards the provision of 4 Primary places at Doveridge Primary school and additional education facilities.
- £140,165.35 towards the provision of 5 secondary with post 16 places at Queen Elizabeth Grammar School and additional education facilities.
- A contribution of ££3,061.80 towards the provision of children's play off –site.
- A contribution of £1,063.80 towards the provision of allotments off –site.

1.0 THE SITE AND SURROUNDINGS

- 1.1 The site comprises of 1.28ha of greenfield grassland used for agriculture/pasture to the northern edge of Doveridge, north of Derby Road at the junction of Marston Lane with the A50. The site is bounded by timber post and rail fencing with associated hedgerow and hedgerow trees, Old Marston Road to the south, Marston Road to the east. The A50 slip road is to the north and Kamloops residential property is to the west of the site. Opposite the north eastern corner of the site over Marston Lane Doveridge FP 7 links to Babbs Lane and the local network of footpaths to the east of the village. The site is relatively flat with levels around 98-102m AOD and is slightly lower than the Marston Lane road level with tree screening from the north adjacent to the A50 slip road.



2.0 DETAILS OF THE APPLICATION

- 2.1 The proposal would provide 18 dwellings which accords the number allocated. Of the 18 dwellings, 6 (33%) would be affordable dwellings and 12 open market dwellings. The development would be limited to the southern side of the site in order to provide a landscape buffer on the northern side which would comprise open space with additional landscape planting. The developable area is 0.59 ha (46%) with the open space area measuring 0.66 ha (51%) out of the total area of 1.28 ha which also includes the area of the access.

- 2.2 The private housing mix is comprised of the following:

- 5no. 4-bed, 2-storey dwellings
- 5no. 3-bed, 2-storey dwellings
- 2no. 2-bed, 1-storey dwellings

The affordable housing mix is comprised of the following:

- 3no. 3-bed, 2-storey dwellings
- 3no. 2-bed, 2-storey dwellings

The overall housing mix is as follows:

- 5no. 4-bed dwellings— 28%
- 8no. 3-bed dwellings— 44%
- 5no 2-bed dwellings— 28%

- 2.3 The site is located in Flood Zone 1 as identified on the Environment Agency flood maps and there is no risk of surface water flooding, hence no fluvial or surface water flood risk mitigation is required. Proposed vehicle access into the site will be taken via an existing 4m wide gated field access off Marston Lane.
- 2.4 The dwellings would be served from a central access road with dwellings on the Marston Road frontage having private drives off this estate road. Plots 1-4 would be set behind the existing hedgerow parallel with the road frontage and enclosed by a new hedge. Plots 13-18 would be the affordable dwellings and these would face onto the attenuation basin in the south western corner abutting the site's boundaries with both Marston Lane and Old Marston Lane with new hedging and trees separating the two areas. These properties would have frontage parking broken up by landscaping. Plots 5, 6, 7 and 9-11 would face the internal access road and turning head adjacent to the open space and landscaped area. The proposed layout is as per the amended drawing 999-AD-003B which incorporates a change to a housetype on plot 8, a change to the position of the dwelling on plot 13 and extending the proposed hedgerow around the turning head which were all requested by officers.
- 2.5 A new 398m hedgerow is proposed to separate the housing from the open space with gates for access. The landscaping scheme proposes the planting of 1537 trees with a large number planted as extra heavy or heavy standard which includes with the proposed orchard of 1080m² in area. The scheme also includes the sowing of three different types of species rich grass seeding.
- 2.6 The proposed housetypes would be gable roofed two storey properties (with the exception of the two bungalows on plots 11 and 12). Gable features on the frontage are proposed with the larger housetypes with hipped roof bay windows and gable roof porches. Dwellings on prominent corners of the site would be 'corner turners' whereby they have two elevations that could represent the properties main elevation to the benefit of both streetscenes. Flat roof bay windows are proposed on these housetypes plus they have been introduced on plot 5 and 7 to break up the side gables. Wet verges are proposed rather than barge boards on the gables of the properties.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1. Adopted Derbyshire Dales Local Plan 2017
S1: Sustainable Development Principles
S2: Settlement Hierarchy
S3: Development within Defined Settlement Boundaries
PD1: Design and Place Making
PD3: Biodiversity and the Natural Environment
PD5: Landscape Character
PD6: Trees, Hedgerows and Woodlands
PD7: Climate Change
PD8: Flood Risk Management and Water Quality
PD9: Pollution Control and Unstable Land
HC1: Location of Housing Development
HC2: Housing Land Allocations
HC4: Affordable Housing
HC11: Housing Mix and Type
HC14: Open Space and Outdoor Recreation Facilities
HC19: Accessibility and Transport
- 3.2 Doveridge Neighbourhood Plan February 2020
D1 – Design of New Development

H1 – Housing Mix to meet the specific demographic needs of Doveridge
BE2 – Internet Connectivity
T1 – Sustainable Transport, Safety and Accessibility within Doveridge
NE1 – Natural Environment

3.3. Other:

The National Planning Policy Framework (2021)
National Planning Practice Guide
Developer Contributions SPD (2020)
Climate Change SPD (2021)

4.0 RELEVANT PLANNING HISTORY:

20/01272/OUT	Outline Planning Application for 9 no. dwellinghouses with approval being sought for access	REF	30/06/2021
19/01406/OUT	Outline Planning Application for 27 no. dwellings for occupants aged 55 years and above, with approval being sought for access	WDN	12/03/2020

5.0 CONSULTATION RESPONSES

Doveridge Parish Council

- 5.1 Whilst Doveridge Parish Council accepts that this is a SHLAA site and therefore we cannot object to the principle of housing development here, the Parish Council, as statutory consultee, did object to this site being included in the SHLAA in the original discussions during the review of DDDC's Local Plan. Doveridge Parish Council and residents are disappointed that this site remains a SHLAA site, particularly given the proximity of the A50 which is a major noise source that infringes on quality of life. The Parish Council and residents feel that Doveridge has received far more than its fair share of the housing needed within DDDC. They still feel that Doveridge is not a sustainable location and the lack of facilities and amenities bears this out. It seems we may also lose the only bus service (approximately hourly) we have at some time in the near future. It has been shown in other applications that the noise from the A50 is a serious problem for residents and there is a negative impact from the noise of the A50 on occupiers of dwellings. Indeed, in another application for housing development on this site (20/01272/OUT, for 9 dwellinghouses), the noise levels from the A50 have been included as a reason for refusal.

A further application on this site for 27 dwellings was withdrawn. In this application for 18 dwellings, at paragraph 4.20 of the submitted Landscape and Visual Impact, it is stated 'The land is affected by disturbance from traffic using the A50'. Surely this proves that housing development is not acceptable on this site. Closing windows to shut out the noise will lead to lack of ventilation and may cause problems in its own right. Whilst resurfacing the A50 in a quieter material (an ideal solution) would provide some respite from the noise issue, we are aware that this is very unlikely as it is not within the applicant's control. It is suggested that much more landscaping is undertaken to try and mitigate the impact of noise. Despite this parcel of land being zoned as a SHLAA site, we firmly believe it is inappropriate for development and further to this, we suggest that a noise bund should also be erected along the field boundary with the A50 slip road, along with other noise mitigation measures – further planting of trees. We feel that this is the very least that is required along this section of concrete and very noisy surfacing along this stretch of the A50.

They do acknowledge, however, that some landscaping is shown and two bungalows (as residents suggested) are included in this application. Increasing traffic volumes (due to more housing) would also lead to increased traffic noise (for all residents). According to Dept for Transport the AADT (average annual daily traffic) count on the A50 in 2015 was 46,007 (total vehicles Manual Count 07:00 – 19:00) Count Point 99542. The equivalent count in 2019 was 51,021. If the A50 traffic keeps increasing, the generated noise will also be increasing. It is worth adding that this is a daytime count, but that more and more trucks are travelling by night to avoid the congestion. There is no night time data available. It is estimated that the new houses across this site, based on the 2019 daytime traffic count, will be subject to external noise of 65 – 70 dB(A). This does not take into account the concrete road surface, which potentially generates an extra 5 - 7 dB(A) compared with a tarmac surface.

Environment Agency

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

Derbyshire County Council (Highways)

- 5.3 The site was considered as part of the SHLAA process and deemed acceptable subject to appropriate visibility sightlines and a linking footway being provided. The internal layout has been considered by the Implementation Team and is generally in accordance with the County Councils adoption criteria. Surface water drainage is combined and will therefore need to be adopted under a S104 Agreement with the Local Water Authority. The culverting of the existing drainage ditch under the access will require consent from the County Council Flood Team and will be subject to a commuted sum payment for future maintenance.

This application has been subject to previous comments by the Highway Authority dated 1st September 2022 and in response the applicant has provided additional information in the form of a revised access drawings which shows visibility splays of 160m and 120m based on the findings of a speed survey. The applicant has identified that the 85th percentile speeds are 44.4mph and 39.6mph and applied visibility splay standards of the Design Manual for Roads and Bridges (DMRB), this is a robust approach as DMRB is normally applied to motorways and trunk roads, a sensitivity check using the methodology details in Manual for Street 2 confirms that the proposed visibility splay lines exceed that required. As such the access design and visibility splays are considered to be suitable for this environment and as they are contained within the existing Highway limits no conditions are required to provide them. The Highway Authority is aware of the suggestion to amend the speed limit, however compliance with the national guidance on alterations to speed limits would not be achieved and the additional speed data confirms that it is not necessary, as such there is no intention to amend the speed limit to facilitate this proposal.

The internal layout aligns with the current highway design guide and tracking details have been provided for the refuse collection vehicle. These details are suitable. The site is well located to Doveridge Primary School and the Village Store, both are within a 10 minute walk. The ability to access these services in the locality on foot reduces the level of car dependency and helps to reduce the number of short distance vehicle trips. The site can access existing bus service and notably the 401 service which provides connections to Uttoxeter and Burton. A new footway is proposed to connect the development to existing routes. It is noted that the site layout does not demonstrate sheltered and secure bicycle parking, and as such a condition is recommended to require plots that don't benefit from a garage to provide a suitable storage arrangement.

Paragraph 131 of the NPPF requires all new streets to be tree lined. This proposal does not proposed street trees and as such the design conflicts with the framework. It is noted that there is a comprehensive landscaping proposal which may contribute to justifying the

absence of street trees, as such the LPA should look to satisfy itself that the applicant has suitability justified for the NPPF conflict.

It is recommended that the applicant provide each new household with a “welcome pack” which should provide information on the location of local service, transport interchange points and how to reach them, this will help new residents who aren’t familiar with the local area to make more informed transport choices.

Finally, a Construction Management Plan should be provided which includes control measures to ensure that the highway is not subject to adverse impacts during the construction phase. Whilst the applicant has provided some details, they are not sufficient and as such a condition is recommended. Based on the analysis of the information submitted and a review of Local and National policy the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.

Derbyshire County Council (Education)

- 5.4 The proposed development falls within and directly relates to the normal area of Doveridge Primary School. The proposed development of 18 dwellings would generate the need to provide for an additional 4 pupils. Doveridge Primary School has a net capacity for 105 pupils, with 95 pupils currently on roll. The number of pupils on roll is projected to increase during the next five years to 109. An evaluation of recently approved major residential developments within the normal area of Doveridge Primary School shows no new developments, amounting to no additional 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 not have sufficient capacity to accommodate the 4 primary pupils arising from the proposed development.

The proposed development falls within and directly relates to the normal area of Queen Elizabeth's Grammar School. The proposed development of 18 dwellings would generate the need to provide for an additional 5 secondary with post 16 pupils. Queen Elizabeth's Grammar School has a net capacity for 1,384 pupils with 1,376 pupils currently on roll. The number of pupils on roll is projected to decrease to 1,330 during the next five years. An evaluation of recently approved major residential developments within the normal area of Queen Elizabeth's Grammar School shows new development totalling 465 dwellings, amounting to an additional 130 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 5 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:

- £72,663.30 towards the provision of 4 Primary places at Doveridge Primary school and additional education facilities.
- £140,165.35 towards the provision of 5 secondary with post 16 places at Queen Elizabeth Grammar School and additional education facilities.

Derbyshire Wildlife Trust

- 5.5 The Trust has reviewed the Ecological Appraisal prepared by FPCR July 2022. The EA provides a comprehensive assessment of habitats and species and has identified potential impacts and made recommendations regarding mitigation and enhancements. The development site is comprised of modified grassland in moderate condition with two

hedgerows bordering parts of the field. Other than the hedgerows there are no Habitats of Principal Importance present and there are no statutory or non-statutory sites of nature conservation value associated with this land or immediately adjacent.

Impacts on protected species are assessed as low with a slight risk to breeding birds, commuting bats, hedgehogs and badger. Suitable mitigation can be secured via conditions to address these potential impacts on species. The EA states that the development can deliver a net gain for both habitats and hedgerows. The information provided in the EA together with the Detailed Landscape Proposals C-2060-02 have set out how habitats at the site will be affected by the development and the proposals for habitat creation at the site.

Proposals put forward include retention of existing hedgerows and planting of 3 new hedgerows, creation of a SUDS, creation of species rich grassland, scrub and an orchard as well as tree planting to create a 'parkland' type habitat. The EA includes some information generated by use of Defra's metric 3.1. However, the full calculation has not been submitted and as such we have not had an opportunity to review this part of the assessment.

Proposals regarding bird nest boxes could be strengthened by integrating 1 swift brick per dwelling as per the recently published British Standard (BS 42021:2021 Integral nest boxes – Selection and installation for new developments) which provides specifications on the number and type of integral boxes that should be sought within new developments. For example:

1. To provide new and enhanced opportunities for nesting, the number of integral nest boxes on new residential developments shall at least equal the number of dwellings, i.e. the ratio of integral nest boxes to dwellings is 1:1.
2. External nest boxes are additional to the installation of integral nest boxes on new developments and should not be included as part of the 1:1 ratio. This is also supported by the National House Building Council Foundation, the standard-setting body for new homes: "Section 8.1 Nest sites for birds (page 42): "Provision of integral nest sites for swifts is through hollow chambers fitted into the fabric of a building while in construction. Although targeting swifts they will also be used by house sparrows, tits and starlings so are considered a 'universal brick'".

The EA is considered to provide an accurate assessment of the potential impacts on habitats and species at the site and has put forward a biodiversity enhancement scheme (also shown on the Detailed Landscape Proposals C-2060-02) that should provide a small net gain for biodiversity. Although full details of the biodiversity metric has not been provided the losses and gains appear to be reasonable in terms of scale and magnitude. It would be useful to see a copy of the metric provided at the same time as the Biodiversity Enhancement condition recommended below. Any changes to the proposed layout can then be taken into account in the metric. Impacts on species and habitat on site or potentially on site can be addressed through suitable conditions and the ecological enhancements can be set out in detail as part of a Landscape and Biodiversity Enhancement and Management Plan. The plan should address the creation and/or enhancement of habitats and the longer-term management required to achieve and maintain good condition. The management to be delivered through the LBEMP should be secured for a period of 30 years.

Local Lead Flood Authority

- 5.6 No objections subject to conditions in respect of management and maintenance of surface water drainage,

Environmental Health

- 5.7 As per the previous applications for this site there continues to be reservations about building houses in such a noise sensitive location. Ideally, dwellings should be located where noise conditions are suitable for development and where the public health implications as a result of noise are not significant. The concerns specifically relate to meeting the relevant

standards for internal and external living and amenity spaces. These guidelines exist due to the possibility of adverse health effects occurring above the guideline values.

Indoor noise standards are being met through design of the properties and a closed window system. However, there still remains concern about the external amenity spaces.

“External amenity areas that are an intrinsic part of the overall design should always be assessed and noise levels should ideally not be above the range 50 – 55 dB LAeq,16 hr.”

Part of a number of gardens are still exceeding the maximum guideline values and are also above the WHO recommended value from road traffic sources, which is 53dB Ldan. Above these levels detrimental impacts on health can be produced which is why the standard is recommended. The standard does provide for deviation from the maximum 55dB recommendation, however, this should only be where there is significant planning validation to override this opinion.

If the committee are minded to approve, conditions are recommended to implement the recommendations of the noise assessment and provision of validation that the noise levels submitted for the gardens when the properties are built has been achieved. Construction hours should also be restricted by condition.

Tree and Landscape Officer (Derbyshire Dales)

- 5.8 The submitted LVIA concludes that the potential landscape impact of the scheme would be very local and of limited significance due to the small scale of the development. However, consideration of whether the density of buildings and the proposed site layout design within the development is appropriate in this edge of village location surrounded by open agricultural landscape (other than the roads, of course). For example, perhaps a cluster of buildings around a couple of ‘farm yards’ resembling a former farm with dwellings appearing to consist of ‘converted barns’ and ‘renovated farm house’ may be more in keeping with the local vernacular and local landscape.

The landscape planting proposals are considered to be of a good quality, particularly the trees and orchard. They are the most imaginative and interesting seen in a long time on a new development. It is suggested whether the designers would consider incorporating areas of wildflower plug planting using selected appropriate species for the site conditions and with accompanying suitable management guidance to favour wildflowers over grasses.

The submitted tree report indicates an absence of trees within the site, with limited numbers of trees and mature hedgerow to the periphery of the site. The site is currently an open agricultural field. All existing trees and hedgerows are indicated for retention with just 2 short sections of hedgerow – 1 either side of the proposed site access road – to be removed to facilitate the proposals. A relatively insignificant ash tree (T2) located very close to the proposed access road into the site is likely to suffer irreversible root damage and should be removal at commencement of development works.

The proposed positions of temporary tree protection fencing leaves the root protection area of some trees partially exposed. The alignment of the fencing should be reviewed and adjusted as necessary with a dedicated Tree Protection Plan being resubmitted for approval. This TPP should include measurements on the drawing to indicate the off-set between tree/hedgerow stems and fencing position to facilitate correct positioning on-site. The specification for the fencing should also be included on the drawing prior to determination. If it is found that tree / hedgerow pruning / canopy lifting is needed to facilitate installation of temporary tree protection or any other part of the development then details should be conditioned.

If it is found that any development works or site activity is necessary within the root protection area of any retained trees or hedgerows then a detailed site specific Arboricultural Method Statement should be required to be submitted by condition.

All guidance provided by Section 5 of the submitted Tree Survey Report should be required to be strictly adhered to during development works by condition.

Strategic Housing (Derbyshire Dales)

- 5.9 The proposed house types and layout are considered acceptable, however, there are no bedroom sizes or floor areas to review. Such homes would be expected to be close the nationally prescribed space standards. This is important both for the letting of the affordable rented homes and also the sale of the shared ownership homes.

The standards are

2 bed 4 person house, 79m²

3 bed 5 person house 93m²

NHS Commissioning Group

- 5.10 They will not be requesting a contribution for this development as it falls under their threshold.

Archaeology (DCC)

- 5.11 The proposal site of c1.25ha was assessed in 2015 as part of the local planning authority's strategic housing allocation process, and was characterised as a small site with no known archaeological issues. It appears to be managed as improved pasture and retains no visible earthworks. Due to the location adjacent to the A50 and its slip road/junction at Doveridge there is likely to be on-site disturbance associated with the road-building process.

Since the 2015 allocation screening there is a single Portable Antiquities Scheme record for a medieval coin within the site, although this is likely to represent casual loss – the site is clearly within the medieval open field given the disposition of ridge and furrow in the surrounding area. There is also the discovery of a well-preserved Bronze Age round barrow on the Baker's Lane site about 600m to the south-east, and it is necessary to consider whether this elevates the likely archaeological potential of the current proposal site.

The excavators of the Baker's Lane site have compared locations of known barrows to the north and south of the Dove, and have suggested that the siting of barrows was influenced by visibility from the valley and intervisibility across the valley – i.e. that the locations chosen are prominent within the micro-topography of the valley, situated on ridge ends or terrace edges. The Baker's Lane barrow, for example, would have overlooked the Dove Valley and Brocksford Brook to the SE and E.

The current proposal site is some 600m distant from Baker's Lane and is most unlikely therefore to be within a contiguous group or barrow cemetery, particularly as no further barrows were identified at Baker's Lane. The site is also set a good 600m back from the terrace edge in a topographical neutral location with no view down towards the Dove or across to the southern slopes. It is not therefore in a location where we would expect to find a separate barrow.

In light of the above observations it is judged that the site is still of low archaeological potential and does not require archaeological involvement under the policies at NPPF chapter 16.

6.0 REPRESENTATIONS RECEIVED

6.1 Eleven representations have been received and these are summarised below:-

- a) A measurement of noise off the A50 at the site at 16:30 on the 1st September was taken as at 60Db.
- b) WHO recommend less than 55 in the day time and less than 45 at night and this will not be achieved at this site and it is suggested that outdoors would be untenable due to noise.
- c) The site has no noise plan and unless Owl Housing work with Highways to re-surface the concrete A50 in a tight time frame, the development should not be permitted for this reason alone.
- d) It is unlikely that a tree line, bund or omitting a section of the field would reduce the noise from the A50 to acceptable levels.
- e) If this application is permitted it would set a precedent and may allow previous refusals on this basis to be reviewed.
- f) The exit of the junction to the proposed estate is onto a 60mph zone, where traffic is observed regularly doing this speed.
- g) There may not be accidents reported at this spot but direct access to a 60 zone will surely make this happen.
- h) It is suggested that the traffic report attached is inaccurate and traffic movements will not be as low as suggested.
- i) Loss of green fields surrounding the village.
- j) Doveridge is losing its character due to all the new developments.
- k) The new developments offer no corresponding improvement to infrastructure.
- l) Local facilities are limited and the bus service has been cut back.
- m) The site is outside the main settlement area of the village and will result in village spread.
- n) Properties on Old Marston Lane proposed to develop land associated with them and were refused due to being outside the main village.
- o) Would the remaining part of the field be developed in the future.
- p) The reasons of refusal of 19/01406/OUT still stand.
- q) More houses have been built in the district than allocated with over 25% in Doveridge.
- r) The Noise Assessment conclusion is very different for all others and is flawed as it omits all data collected in windy or raining conditions.
- s) Previous noise reports stated that outdoor noise levels will not meet the recommended standards.
- t) The sale for new houses did not meet the developers forecasts which proves a lack of demand.
- u) The design of dwellings is not in keeping with the surrounding area.
- v) The water supply has issues and there is no mains gas in the village.
- w) The Parish Council recommended the site be removed from the SHLAA.
- x) Policy D1 (D) of the Neighbourhood Plan requires renewable energy to be proposed but this is not included.
- y) The resident of 2 Old Marston Lane would be impacted through noise and loss of privacy.
- z) The connection to the manhole 8501 along Old Marston Lane will mean existing properties will be cut off while pipes are laid and vehicle access restricted.
- aa) The reduction in speed limit is essential and the existing footway on Old Marston Lane is dangerous with no path.
- bb) By adding a footpath from the site to join Old Marston Lane would increase pedestrians on this road that has no footpaths and would be unsafe.
- cc) Overlooking and loss of privacy for adjacent properties Kamalloops and The Woodyard.
- dd) The use of 2.2m high fencing would be an eyesore as hedging is characteristic of the area.
- ee) The village of Doveridge has grown to an unsustainable size over the last few years with no extra infrastructure provided.
- ff) The concrete surface of the A50 means that noise levels are higher than predicted.

- gg) The Highways Agency considered that the number of houses affected by the noise did not warrant the expense of improving the surface.
- hh) The site should not be developed due to air pollution from the A50.
- ii) The SHLAA assessment for the site noted an adverse impact on landscape character and settlement pattern.
- jj) Previous applications on the site and in the vicinity have been rejected as being out of context and causing encroachment into the countryside.
- kk) The drainage scheme would increase flows and new developments built out have already caused overflowing and silting problems.
- ll) Kamloops House and The Woodyard are not part of the existing village settlement but are rural smallholdings.
- mm) The District has built more than double the required number of housing over the last 3 years (202%) in order to meet the ambitious national target with Doveridge having 25% of this total.
- nn) The site has 75% susceptibility to groundwater flooding which is unacceptable.
- oo) The ditch to the west of the field is the property of Kamloops and regularly overflows and permission to connect to this ditch will not be given.
- pp) Loss of habitat for protected species.
- qq) Light pollution caused by the dwellings on Kamloops.
- rr) Loss of privacy for Kamloops.
- ss) The pedestrian link to Old Marson Lane would cause disturbance and loss of privacy for Kamloops.
- tt) They purchased Kamloops in 2020 and the local search undertaken did not reveal the existence of the allocation or previous permissions for the site which is unacceptable.

7.0 OFFICER APPRAISAL

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission under the Act are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the purposes of the Act is the Adopted Derbyshire Dales Local Plan (2017) and 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.
- 7.2 Having regard to the above and the consultation response and representations received, the following material planning issues are relevant to this application:
- The acceptability of the development
 - Impact on residential amenity
 - Noise
 - Impact on trees and ecology
 - Character and appearance
 - Flood risk
 - Highway safety
 - Development contributions and measures to mitigate the effects of and adapt to climate change

The acceptability of the development

- 7.3 The site is located within the settlement boundary of Doveridge and is allocated within the Local Plan, reference HC2(p) within Policy HC2 of the Adopted Derbyshire Dales Local Plan (2017). The allocation relates to 1.29 Ha for 18 dwellings, thus residential development is considered to be acceptable in principle.
- 7.4 The Annual Monitoring Report 2020/21 states the Council has 3.92 years and this position has not changed significantly since this was published. Notwithstanding the support in the NPPF for approving development proposals that accord with an up-to-date development

plans without delay, the housing policies contained within the development plan are considered to be out of date and there is a tilted balance in favour of such development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in framework taken as a whole as directed by paragraph 11 d) (provided policies that protect areas or assets of particular importance do not provide a clear reason for refusing the development).

- 7.5 The site was assessed prior to allocation under reference SHLAA348 which concluded that the site was 50% developable to allow opportunities to retain key features and ensure development reflects the surrounding settlement pattern and mitigation measures for proximity to the A50 to be incorporated. The developable area proposed equates to 46% of the total with open space making up 51%.

Impact on residential amenity

- 7.6 Policy PD1 requires development achieves a satisfactory relationship to adjacent development in relation to visual intrusion, overlooking, shadowing and overbearing impacts. The property 'Kamloops' is adjacent to the western boundary with a 1.5m high hedge providing some screening. This property has three ground floor windows on the eastern elevation of the two storey extension granted in 2013. These windows are secondary to the dining and sitting rooms as the main windows are on the front and rear elevations and as such are classed as non-habitable windows whereby the protection afforded to them is limited. A Hutton housetype is proposed with its side elevation at an angle with the boundary at a distance of 9.2 -10.6m. The western elevation that would face the boundary would have two small obscure glazed windows serving a bathroom on the first floor and toilet on the ground floor. Whilst, the proposed line of properties on plots 13-18 are to the east of this property, overshadowing would not be significant due to the windows on this property being non-habitable, loss of privacy would not occur due to the windows proposed being obscure glazed and this can be a condition of any permission. Therefore, based on the assessment of the relationship above it is not considered the residential amenity of this neighbouring property would be adversely effected in accordance with Policy PD1.
- 7.7 The property 'The Woodyard' is 34.9m from the site boundary with the rear garden area of Kamloops being in between. The nearest proposed properties to the east would be on plots 11 and 12 with their rear elevations being 47.5m from the side elevation of this existing property. Based on this distance the proposed properties would not have a significant impact on the residential amenity of this property in accordance with Policy PD1.

Noise

- 7.8 Policy PD9 states that development will only be permitted if the potential adverse effects (individually and cumulatively) are mitigated to an acceptable level by other environment controls or measures in respect of amongst others noise and vibration and air pollution. Paragraph 185 of the NPPF states that "planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site of the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life".

- 7.9 The Acoustics Assessment submitted mapped contours in terms of sound level contours which demonstrates that the external amenity area criteria would be met with the inclusion of minor mitigation measures to three of the 18 proposed dwellings. Therefore overall 83% of proposed dwellings would achieve the BS 8233 guidance of less than 55 dB LAEQ, 16 hr for external amenity areas. For the three proposed dwellings identified as plots 1, 7 and 9 mitigation measures include 2.2m high walls on the northern portion of the external amenity areas based on daytime noise levels (worst case scenario). Consideration has been given to internal noise levels and embedded façade mitigation measures have been suggested in order to achieve internal noise level criteria in BS 8233:2014 and Profession Practice Guidance on Planning and Noise (ProPG) 2017. Such measures include standard double glazing and either direct airpath, or acoustically rated, window mounted trickle vents with such measures typical in residential dwellings.
- 7.10 The Environmental Health section continue to have reservations about building houses in such a noise sensitive location. Ideally, dwellings should be located where noise conditions are suitable for development and where the public health implications as a result of noise are not significant. The concerns specifically relate to meeting the relevant standards for internal and external living and amenity spaces. These guidelines exist due to the possibility of adverse health effects occurring above the guideline values. Indoor noise standards are being met through design of the properties and a closed window system. However, there still remains concern about the external amenity spaces.

“External amenity areas that are an intrinsic part of the overall design should always be assessed and noise levels should ideally not be above the range 50 – 55 dB LAeq, 16 hr.”

- 7.11 Three out of 18 gardens would exceed the maximum guideline values and are also above the WHO recommended value from road traffic sources, which is 53dBLdan. Above these levels detrimental impacts on health can be produced which is why the standard is recommended. The standard does provide for deviation from the maximum 55dB recommendation, however, this should only be where there is significant planning validation to override this opinion. The advice in BS8233:2014 states that the resulting noise levels outside are never a reason for refusal as long as levels are designed to be as low as practicable. Whereas, to comply with policy guidance any amenity space must have an acoustic environment so that it can be enjoyed as intended. It is considered that based on the external amenity areas impacted and the mitigation proposed the proposal would not result in significant adverse impacts on health and the quality of life of future residents in accordance with Policy PD9 and national guidance on noise.

Impact on trees and ecology

- 7.12 Policy PD6 states that trees, hedgerows, orchards or woodlands of value should be retained and integrated within development wherever possible. The submitted tree report indicates an absence of trees within the site and all existing trees and hedgerows are indicated for retention with just 2 short sections of hedgerow, either side of the proposed site access road, to be removed to facilitate the proposals. A relatively insignificant ash tree (T2) located very close to the proposed access road is not considered a constraint to development and can be removed. Provided that trees and hedgerows are protected during construction by condition the proposal is considered to accord with Policy PD6.
- 7.13 Policy PD3 seeks to ensure that development proposals will not result in harm to biodiversity interests. Development proposals will not be permitted if it would directly or indirectly result in significant harm to geological and biodiversity conservation interests, unless it can be demonstrated that appropriate conservation and mitigation measures are provided. Such mitigation measures should ensure as a minimum no net loss and wherever possible net gain for biodiversity; or if it is demonstrated that this is not

possible; the need for, and benefit of, the development is demonstrated to clearly outweigh the need to safeguard the intrinsic nature conservation value of the site and compensatory measures are implemented.

- 7.14 Derbyshire Wildlife Trust have reviewed the Ecological Appraisal (EA) and considers the impacts on protected species are assessed as low with a slight risk to breeding birds, commuting bats, hedgehogs and badger. Suitable mitigation can be secured via conditions to address these potential impacts on species. Proposals put forward include retention of existing hedgerows and planting of 3 new hedgerows, creation of a SUDS, creation of species rich grassland, scrub and an orchard as well as tree planting to create a 'parkland' type habitat. The EA is considered to provide an accurate assessment of the potential impacts on habitats and species at the site and has put forward a biodiversity enhancement scheme that should provide a small net gain for biodiversity. On this basis the proposal accords with Policy PD3.
- 7.15 Policy PD5: Landscape Character states that development will only be permitted if the location, materials, scale and use are sympathetic and complement the landscape character; Natural key features including trees and hedgerows that contribute to the landscape character and setting of the development are retained and managed appropriately in the future; and new opportunities for appropriate landscaping will be sought alongside all new development.
- 7.16 The assessment with the SHLAA considered the site to have a medium landscape sensitivity to housing development and concluded that there was capacity for development across the site with the retention of key features such as boundary hedgerows and hedgerow trees. The site falls within the Landscape Character Area (LCA) of Needwood and South Derbyshire Claylands with a Landscape Type of Settled Farmlands. The submitted LVIA considers the landscape sensitivity to be low and as the land is not visible in the wider landscape beyond 100m it makes only a limited contribution to the setting of Doveridge although it does provide a landscape buffer between the village and the A50. On balance the LVIA considers the sensitivity of the site to a development of this scale and nature to be low and the magnitude of change on the site to be medium resulting in minor landscape effects. It is considered that the conclusions of the LVIA are reasonable and impacts are limited to the immediate locality with sufficient mitigation through the retention of the boundary hedgerows and restricting the developable area to 46 % together with the proposed high quality landscaping scheme.

Character and appearance

- 7.17 Policy PD1 requires all developments to be of high quality design that respects the character, identity and context of the Derbyshire Dales townscapes and landscapes. New development must be designed to offer flexibility for future needs and uses taking into account demographic and other changes; and ensuring development contributes positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials, and the relationship to adjacent buildings and landscape features. Policy D1 of the Adopted Doveridge Neighbourhood Development Plan (2018) advises that new development must be designed to be safe, convenient, sustainable and complement the existing character of this historic village which has evolved over many centuries.
- 7.18 Policy S3 sets out that within defined Settlement Development Boundaries planning permission will be granted where the proposed development is of scale, density, layout and design that is compatible with the character, appearance and amenity of that part of the settlement in which it would be located and that the access would be safe and the highway network can satisfactorily accommodate the traffic generated by the development or can be improved as part of the development.

- 7.19 The proposed layout shows the retention of existing hedgerow and dwellings set back from the road with private drives which reflects the more rural nature of the site on the periphery of the village. The dwellings are kept within the south western part of the site adjacent to existing development along the western boundary which reflects the existing pattern of development. The proposed layout reflects the density of properties in the village of detached dwellings in sizeable plots apart from the 6 dwellings in the north western corner, however, these are 24 metres from the access and face the attenuation pond. Hedge planting is proposed to separate the dwellings from the open space to have the appearance of a natural field boundary and this continues around the turning head in the north western part. The majority of the parking is to the side of the dwellings with the only the affordable units with frontage parking broken up and screened by landscaping. The attenuation pond to the front of these dwellings would have an overall depth of 1.2m with a water depth of 0.8m.
- 7.20 The proposed housetypes are considered of an appropriate design quality with gable features and bay windows on the frontages to add interest. The dwellings on the entrance to the site have two elevations have address the street and any side elevations that are prominent have bay windows or additional windows added to break up these elevations and also to add natural surveillance over the adjacent open space. Overall the layout and design of properties is considered to represent high quality in keeping with the settlement in accordance with Policies S3 and PD1.

Flood Risk

- 7.21 Policy PD8: Flood Risk Management & Water Quality sets out that new development shall incorporate Sustainable Drainage Measures (SuDs) in accordance with National Standards for Sustainable Drainage Systems. This should be informed by specific catchment and ground characteristics, and will require the early consideration of a wide range of issues relating to the management, long term adoption and maintenance of SuDs. The proposed drainage strategy, as shown on the Engineering Layout, proposes a drainage basin located at the southern end of the site. The basin would attenuate surface water before being discharged to the adjoining watercourse at greenfield rate. Appropriate allowances for climate change and urban creep are also accommodated within the overall drainage strategy. Foul water flows would discharge to an existing public sewer located in the adjacent carriageway.
- 7.22 The Lead Local Flood Authority have been provided with sufficient information in relation to surface water drainage have no objection on this basis subject to conditions.

Highway Safety

- 7.23 Policy S3 requires development to have appropriate access and parking provision and Policy HC19 seeks to ensure that development can be safely accessed in a sustainable manner and adequate parking is provided. The site location is within reasonable walking distance to local services and facilities. The proposed adoptable road access would have a width of 5m with 2m footways along each side of the access. It is proposed that a 2m wide footway would be provided along the west side of the Marston Lane from the site access to Old Marston Lane. The Highways Authority considered the reduction in speed originally proposed and deemed it not appropriate, however, adequate access visibility of 2.4m x 160m to the north east and 2.4m to 120m to the south west can be achieved within highway limits. A swept path analysis for fire and refuse vehicles has been provided together with a bin dwell area plan. The Highways Authority consider that safe access can be achieved together with adequate parking and turning in accordance with Policies S3 and HC19.

Developer Contributions

- 7.24 Policy S10: Local Infrastructure Provision and Developer Contributions sets out that the release of land for development will be informed by capacity in the existing local infrastructure to meet the additional requirements arising from new development. New development should only be permitted where the infrastructure necessary to serve it is either available, or where suitable arrangements are in place to provide it within an agreed timeframe.
- 7.25 Policy HC11: Housing Mix and Type requires all new residential development to contribute towards the creation of sustainable, balanced and inclusive communities by meeting identified local and District housing needs in terms of housing mix, size and tenure. The final mix on any site will be informed by the location, nature and size of the development site, character of the area, evidence of local housing need, turnover of properties at the local level and local housing market conditions.
- 7.26 The proposed mix of housing is predominately 3 bedroom properties with lower levels of 2 bed and 4 bed houses. In consultation with residents two bungalows have been included. It is considered that the mix proposed is appropriate for the site context and village fringe location in accordance with Policy HC11.
- 7.27 The Education Authority have identified a requirement for the following contributions in order to provide for sufficient capacity at nearby schools to accommodate the development.
- £72,663.30 towards the provision of 4 Primary places at Doveridge Primary school and additional education facilities.
 - £140,165.35 towards the provision of 5 secondary with post 16 places at Queen Elizabeth Grammar School and additional education facilities
- 7.28 Policy HC4: affordable housing requires all residential developments of 11 dwellings or more or with a combined floorspace of more than 1000 m² should provide at least 30% of net dwellings proposed as affordable housing. The Council's Head of Housing has viewed the layout and accommodation schedule proposed and considers the 6 units of affordable housing (33%) on the site to be acceptable (with at least 25% to be provided as First Homes to meet national planning policy, with the remainder in the form of social and affordable rent and intermediate housing to satisfy the requirements policy HC4). This is considered to constitute acceptable provision in accordance with Policy HC4, however, bedroom sizes and floor areas such meet the required space standards. Whilst there are no prescribed space standards in policy HC4 relating to affordable housing provision, this information has been provided by the applicant and any further comments on this issue shall be updated either through late representations or verbally at committee.
- 7.29 Policy HC14 has a requirement for new residential development of 11 dwellings or more to provide or contribute towards public open space facilities as set out in the Table 6 of this policy. This requirement is to improve the quantity, quality and value of play, sports and other amenity greenspace provision in line with the standards identified in the Derbyshire Dales Built Sports Facilities and Open Space Strategy (January 2018). The Council's Supplementary Planning Document (SPD) on Developer Contributions seeks a requirement of open space for 18 dwellings that would equate to 175.32m² (Parks and Gardens), 29.16m² (Play space) and 70.92m² (Allotments). The proposal would provide 6,600m² of open space with a high quality landscaping scheme including an orchard. The proposed development includes an extensive area on the northern side of the site which is to be retained as open space and would include landscape planting with the creation of a park/garden typology with the proposed planting including fruit species similar to a community orchard. This area equates to 51% of the total site area and is considered of a

considerable benefit to the future residents and village as a whole. An off-site contribution to allotments of £3,061.80 is necessary to comply with the SPD requirement.

7.30 Residential development will generally be required to meet the need for children's play on-site as an integral part of the site layout and design. Where a proposed new development is within a 15 minute walk (1200m) of an existing play area which can be readily accessed by new residents the District Council will seek an off-site contribution to enhance the existing facility. This site would be within a 4 minute walk of Doveridge Park off Derby Road and as such an off-site contribution of £3,061.80 for improvements to these facilities would constitute acceptable provision.

7.31 Energy efficiency should be secured through building design in accordance with Policy PD7: Climate Change and the Council's Climate Change SPD adopted in July 2021. The proposed new dwellings would benefit from compliance with the Building Regulations 2022, including the most recent uplift in Part L (Conservation of Fuel and Power). A fabric-first approach would include an increased external wall cavity width with full fill blown insulation, insulated beam and block floors, Hi Therm lintels and 'U' Values (the rate of transfer of heat through a structure) for walls, floors and roofs that are either equal to or in excess of the requirements of the most recent iteration of the Building Regulations. As the proposed development would rely solely on electric for space and water heating each home would be individually equipped with an air source heat pump for this purpose. The above measures would deliver a reduction in Carbon emissions of 31% in comparison to new-build properties under the previous Regulations. On this basis, the proposal is considered to comply with Policy PD7 and the Climate Change SPD.

Conclusion

7.32 The proposal would supply 18 dwellings (6 affordable houses) in a sustainable location whereby the Council cannot demonstrate a 5 year supply. The proposal would have limited impact on the landscape character of the settlement and would not have a significant adverse impact on the residential amenity of neighbouring properties. 51% of the site area would be retained as open space for the benefit of both residents of the site and the village as a whole with a high quality landscaping scheme proposed. The noise from the A50 would exceed recognised limits within three of the garden areas, however, this has been mitigated both by the landscaped buffer and 2.2m high walls on the garden boundaries. Taking the above into consideration, it is considered that the benefits outweigh the harm and as the proposals accord with development plan policies and national planning guidance.

8.0 RECOMMENDATION

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

- 6 affordable dwelling units on-site,
- £72,663.30 towards the provision of 4 Primary places at Doveridge Primary school and additional education facilities.
- £140,165.35 towards the provision of 5 secondary with post 16 places at Queen Elizabeth Grammar School and additional education facilities.
- A contribution of ££3,061.80 towards the provision of children's play off –site.
- A contribution of £1,063.80 towards the provision of allotments off –site.

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

Reason:

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

2. This consent relates solely to the following application plans:- location plan scale 1:500, plan no's 999-AD-003B, 050A, C-2060-02, 27330_08_020_01.1C, 21_053_02_02, Refuse Strategy Plan, CEMP Plan, and the following housetype plans no. HEA-03, HEA-01, CDY-03, AT-CDY-02, AT-HTR-01 A, LNG-03 A, LIT-01 A, HUT-01 A, LMG-01A, HUT-BAR-02 A and HUT-BAR-01 received by the Local Planning Authority on the 24th November 2022.

Reason:

For the avoidance of doubt

3. No dwelling hereby approved shall be occupied until the access, parking and turning facilities serving that individual building, to the nearest public highway, has been provided as shown on drawings 27330_08_020_01.1 Rev C and 999-AD_002C.

Reason:

In the interests of Highway Safety in accordance with Policy HC19 of the Adopted Derbyshire Dales Local Plan.

4. No individual dwelling hereby approved shall be occupied until sheltered, secure and accessible bicycle parking has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The storage area shall be maintained for this purpose thereafter.

Reason:

To promote sustainable travel and healthy communities in accordance with Policy HC19 of the Adopted Derbyshire Dales Local Plan.

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

Reason:

To reduce vehicle movements and promote sustainable access in accordance with Policy HC19 of the Adopted Derbyshire Dales Local Plan.

6. Prior to commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:

- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Advisory routes for construction traffic;
- Any temporary access to the site;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud and dust being carried onto the highway;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;

- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason:

In the interests of the safe operation of the adopted highway in the lead into the development both during the demolition and construction phase of the development.

7. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:
 - a. FRA, Drainage Strategy etc M-EC. (May 2022). *Marston Lane, Doveridge, Flood Risk Assessment*. 27330-FLD-0101.
 - b. Allsopp Avery Partnership. (Nov 2022). *Planning Engineering Layout*. 21-053_02_01 B RB. Including any subsequent amendments or updates to these documents as approved by the Flood Risk Management Team
 - c. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015),
 has been submitted to and approved in writing by the Local Planning Authority.

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.

8. No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 80 reference ID: 7-080-20150323 of the planning practice guidance.

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 in accordance with Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

9. Prior to commencement of the development, the applicant shall submit for approval to the 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 in accordance with Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

10. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This

must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Reason:

To ensure that the drainage system is constructed to the national Non-statutory technical standards for sustainable drainage and CIRIA standards C753 in accordance with Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

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

Reason:

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).

12. Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). Such approved measures will be implemented in full.

Reason:

In order to safeguard protected and/or priority species from undue disturbance and impacts in accordance with Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

13. 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 (Biodiversity) 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 on badger, amphibians, hedgehogs and reptiles during construction
 - 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).

14. 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 set out in the Ecological Appraisal (FPCR, July 2022) and to achieve no less than a +1.58 % net gain. A final copy of the Biodiversity Metric 3.1 should be submitted with the LBEMP. 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
 - b) Aims and objectives of management, in line with desired habitat conditions detailed in the Ecological Appraisal and 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 at 1, 5, 10, 15, 20 and 30 years.
 - 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, including at least 18 integrated swift bricks and in line with other recommendations in the Ecological Appraisal (FPCR, July 2022).
 - j) Details of offset gullies and drop kerbs in the road network to safeguard amphibians.
 - k) Detailed specifications for wetland 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 longterm 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 on site during this period and has shown it is certain that nesting birds are not present.)

Reason:

In order to safeguard and enhance habitat on or adjacent to the site in order to secure an overall biodiversity gain in accordance with Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

15. If it is found that any development works or site activity is necessary within the root protection area of any retained trees or hedgerows prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with section 5 of the submitted Tree Survey Report and BS 5837 (2012), including a revised tree protection plan and a site specific arboricultural method statement shall be submitted to and approved in writing by the Local Planning Authority.

Specific issues to be dealt with in the revised Tree Protection Plan and Arboricultural Method Statement, include:

- a) The TPP should include measurements on the drawing to indicate the off-set between tree/hedgerow stems and fencing position to facilitate correct positioning on-site. The specification for the fencing should also be included on the drawing prior to determination.
- b) If it is found that tree / hedgerow pruning / canopy lifting is needed to facilitate installation of temporary tree protection or any other part of the development then details should be submitted for approval in advance of any works.
- c) Details of arboricultural inspection and supervision by a suitably qualified tree specialist.
- d) Timing and method to be used for reporting of arboricultural inspection and supervision to the LPA and site manager.

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

Reason:

Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with Policy PD6 of the Adopted Derbyshire Dales Local Plan (2017).

16. The ground and first floor windows in the western elevation of the dwelling on Plot 18 hereby permitted shall be glazed in obscure glass prior to the first occupation of the building/extension and thereafter retained in perpetuity.

Reason:

To preserve the amenity of the occupants of nearby residential properties in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

17. Construction work shall not be outside normal working hours of 8am - 6pm Monday to Friday and 8am - 1pm Saturday with no working Sundays and bank holidays.

Reason:

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

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

Reason:

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

19. Details of the materials, treatment and/or colour of the window and door frames shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The window and door frames shall then be installed in accordance with the approved details and so retained.

Reason:

To protect the external appearance of the building and preserve the character of the area in accordance with in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

20. Details of the overall height, coping and materials of construction of the proposed 2.2m boundary wall(s) shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on any boundary wall. The development shall be constructed in accordance with the approved details.

Reason:

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

21. Prior to erection, details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall be carried out in accordance with the approved details prior to the development being first brought into use.

Reason:

In the interests of visual amenity and the character and appearance of the area in accordance with in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

22. Prior to first occupation of the dwellings hereby approved the measures to help mitigate the effects of and adapt to climate proposed as part of this application, including the installation of air source heat pumps shall be implemented in full unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure the delivery of measures to help mitigate the effects of and adapt to climate change in accordance with Policy PD7 of the Adopted Derbyshire Dales Local Plan (2017).

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

Reason:

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

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

Reason:

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

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 highway safety, layout, landscaping and design.

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 decision notice relates to the following plans and documents:

application plans:- location plan scale 1:500, plan no's 999-AD-003B, 050A, C-2060-02, 27330_08_020_01.1C, 21_053_02_02, Refuse Strategy Plan, CEMP Plan, and the following housetype plans no. HEA-03, HEA-01, CDY-03, AT-CDY-02, AT-HTR-01 A, LNG-03 A, LIT-01 A, HUT-01 A, LMG-01A, HUT-BAR-02 A and HUT-BAR-01 received by the Local Planning Authority on the 24th November 2022.

Planning Statement

Tree Survey Report

Transport Statement

Landscape and Visual Impact Assessment

Geo-environmental Assessment

Acoustics Assessment

Flood Risk Assessment

Ecology Survey

Design and Access Statement

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

(Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity. Breeding birds No stripping, demolition works, or vegetation clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged.

No works shall be undertaken within exclusion zones whilst nesting birds are present. Comments: The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. (Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is certain that nesting birds are not present.)

Highway Advisory Notes

The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out. Contact the Highway Authority's Implementation team allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Council's costs in undertaking the following actions:

- Drafting the Agreement
- A Monitoring Fee
- Approving the highway details

Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

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

Contact the Highway Authority's Implementation Team at [EMAIL]. You will be required to pay fees to cover the Council's costs in undertaking the following actions:

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

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

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

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

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

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

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

Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.

Land Drainage Advisory Notes

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. 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.

H. 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.

I. 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.

J. 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.

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

L. 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.

M. 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.