

Planning Committee 14th March 2023

APPLICATION NUMBER		22/01373/OUT	
SITE ADDRESS:		Land South of Main Road, Brailsford	
DESCRIPTION OF DEVELOPMENT		Outline planning application for a mixed-use development of up to 100no. dwellinghouses and a commercial development with approval being sought for access	
CASE OFFICER	Adam Maxwell	APPLICANT	Mr Tom Goodall
PARISH/TOWN	Brailsford	AGENT	Planning & Design Practice Ltd
WARD MEMBER(S)	Cllr Michele Morley	DETERMINATION TARGET	15.03.2023
REASON FOR DETERMINATION BY COMMITTEE	Major application	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to appreciate the site and context.

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

RECOMMENDATION
That the application be refused for the reasons set out in section 8.0 of the report.

1.0 THE SITE AND SURROUNDINGS

- 1.1 The site comprises 6.30 hectares of arable land beyond the western edge of Brailsford and south of the Avant Homes housing development on the south side of the A52 (Main Road). Brailsford public footpath no.40 runs through the centre of the site. The site lies beyond but adjacent to the settlement boundary of Brailsford.
- 1.2 The land slopes gently downwards from Main Road from north east to south west. The field is largely bounded by substantial hedgerows with dispersed mature trees. There is a mature oak tree located within the centre of the site.
- 1.3 The nearest neighbouring residential properties include the recently constructed residential estate to the north, Field Head House and Barn to the north east, and the residential properties along The Green to the east of the site.
- 1.4 The site lies adjacent to the designated Brailsford Conservation Area to the east. There are three Grade II listed buildings adjacent to the site on The Green including Green Farm, Barns south of Green Farm and Old Hall Farmhouse. Grade I listed All Saints' Church is located 430m to the south west of the site.

2.0 DETAILS OF THE APPLICATION

- 2.1 Outline permission is sought for up to 100 dwellings and a commercial development with access included and all other matters reserved. Access would be from the A52 (Main Road). The applicant has withdrawn the proposed medical centre from the application.
- 2.2 An indicative plan shows 100 dwellings with the access road branching to the east and west to provide access to the dwellings. The indicative plan shows land reserved for commercial development on the north east corner of the site adjacent to the proposed access. The indicative plan also shows: green corridors between areas of housing; a balancing pond to the south west of the site; and green areas, community garden and woodland to the east of the site along the boundary to the conservation area. A new pedestrian crossing point across the A52 is shown adjacent to the access.
- 2.3 The development would deliver 30% affordable housing (up to 30 affordable dwellings), the application states that housing mix is to be determined at the reserved matters stage but that there would be a broad mix of house types including bungalows, terraces, semi-detached and detached houses comprising of 1, 2, 3 and 4 bedroom units.





3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan 2017

- S1 Sustainable Development Principles
- S2 Settlement Hierarchy
- S4 Development within the Countryside
- S5 Strategic Housing Development
- S9 Rural Parishes Development Strategy
- S10 Local Infrastructure Provision and Developer Contributions
- PD1 Design and Place Making
- PD2 Protecting the Historic Environment
- PD3 Biodiversity and the Natural Environment
- PD5 Landscape Character
- PD6 Trees, Hedgerows and Woodlands
- PD7 Climate Change
- PD8 Flood Risk Management and Water Quality
- PD9 Pollution Control and Unstable Land
- HC1 Location of Housing Development
- HC4 Affordable Housing Provision
- HC11 Housing Mix and Type
- HC14 Open Space, Sports and Recreation Facilities
- HC15 Community Facilities and Services
- HC18 Provision of Public Transport Facilities
- HC19 Accessibility and Transport
- HC20 Managing Travel Demand
- HC21 Car Parking Standards
- EC1 New and Existing Employment Development

3.2 Adopted Brailsford Neighbourhood Plan 2021

- H1 Housing
- TMA1 Traffic Management and Accessibility
- LW1 Landscape and Wildlife
- CW1 Community Facilities
- CW2 Community Enterprises

3.3 Other:

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

4.0 RELEVANT PLANNING HISTORY:

None

5.0 CONSULTATION RESPONSES

5.1 Parish Council: Object for the following reasons:

“The future of the GP surgery in Brailsford, Ednaston and Hulland Ward - shared practice – has been a concern for residents for nearly 2 years. The management group South Dales Health are clear that the practice cannot continue satisfactorily without a new building and facilities - estimated cost c£2m. They believe that the new build can only be funded from S106 development monies.

At a public meeting held in April 2022 - with over 100 residents in attendance there was a large majority in favour of No New Development to fund the surgery and the Parish Council has been researching other sources.

The key concerns relating to this development are:

- The continued extension of the village - its move westwards, nearly three times the size in 2013 and its sustainability as a village location.
- This site is outside the agreed development boundary and is adjacent to the conservation area on a site previously ruled undevelopable by DDDC consultants and planners.
- The approval of large estates is contrary to the agreed parameters in our approved Neighbourhood Plan.
- The mix of housing proposed - the village priority is bungalows. DDDC already turned down an application for bungalows on part of the proposed site because it was outside the development boundary and the impact on the conservation area.
- The suitability of the site for a GP surgery and even more so the alternative suggestion of commercial/retail for this location
- Significant additional and large traffic movements in an area already considered dangerous because of speeding traffic entering the village. The Parish Council are pressing to get a SID (speed indicator device) for this end of the village.
- At present there is limited safe accommodation for pedestrians, including school children to the new school on Luke Lane. No footpaths outside the proposed development and a substandard (too narrow) pavement outside the existing development. Pedestrian refuges and crossings previously ruled unnecessary or too dangerous by Highways Authority.
- These are the subject of a longstanding and ongoing dispute with the Planning Authority as conditions imposed on earlier applications have not been fulfilled.
- The school is already overcrowded.”

5.2 Derbyshire Fire & Rescue Service

“The following recommendations, whilst they may not be enforceable, are offered as general advice in the interests of greater fire safety.

The Fire and Rescue Authority strongly recommend the installation of a domestic sprinkler system in the above premises, however should you choose not to install a domestic sprinkler system at this stage, the Fire and Rescue Authority would like to recommend that you provide a minimum 32mm water supply capable of delivering the required volumes which would allow an installation to be carried out easier and at less cost should this be proposed

in the future.”

5.3 Derbyshire Wildlife Trust

“We have reviewed the Ecological Impact Assessment (EclA) (Ramm Sanderson, October 2022) and the Biodiversity Metric (Ramm Sanderson, October 2022). We advise that the EclA is compliant with best practice guidelines. Development will result in the loss of arable land. Boundary features are largely intended for retention. The application area falls within 250 m of two great crested newt ponds, however no ponds are present on site and the majority of the onsite habitat (arable) is considered sub-optimal for this species. A District Level Licensing (DLL) approach is proposed, which is considered acceptable, and an application should be made to Natural England. An impact assessment and conservation payment certificate (IACPC) is typically issued, which should be submitted to the LPA to confirm the scheme is eligible. A precautionary method of working is also proposed during construction, as best practice.

There are significant opportunities for biodiversity enhancements within the scheme. A large area of open space is proposed within the site, including the retention of an existing oak tree and the creation of two waterbodies: one balancing pond and one historic pond reinstated. We advise that both ponds should aim to retain some water all year round and that surrounding habitats are suitable to support amphibians. We welcome the proposed green corridor across the centre of the site, however note that it will be severed by a road. This will bisect the most direct route between the two onsite ponds, although there will still be connectivity to the south. We recommend that drop kerbs and offset gullies are secured in the residential road network to prevent entrapment of amphibians and allow movement across the site.

We welcome the recommendations made in Section 5.3 for signage on any public footpaths that lead away from the development site towards the nearby LWS, detailing the location of the LWS and providing important information pertaining to the site (e.g. appropriate disposal of litter, proper utilisation of footpaths, keeping dogs on leads) to try and reduce trampling pressures.

A Biodiversity Net Gain Assessment has been undertaken using Metric 3.1 and a summary provided. Currently, a gain of +5.11 habitat units (+40%) and +2.63 hedgerow units (+26.45%) is proposed.



Notwithstanding the need for further review Derbyshire Wildlife Trust recommend planning conditions in regard to the District Level Licence for Great Crested Newts, Construction Environment Management Plan (CEMP) and Landscape and Biodiversity Enhancement and Management Plan (LBEMP).

5.4 Education Authority

“Primary Level

The proposed development falls within and directly relates to the normal area of Brailsford CE Controlled Primary School. The proposed development of 100 dwellings would generate the need to provide for an additional 24 primary pupils.

Brailsford CE Controlled Primary School has a net capacity for 119 pupils, with 101 pupils currently on roll. The number of pupils on roll is projected to increase during the next five years to 150.

An evaluation of recently approved major residential developments within the normal area of Brailsford CE Controlled Primary School shows no new developments, and therefore there would be 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 24 primary pupils arising from the proposed development.

Secondary Level

The proposed development falls within and directly relates to the normal area of Queen Elizabeth's Grammar School. The proposed development of 100 dwellings would generate the need to provide for an additional 28 secondary with post16 pupils.

Queen Elizabeth's Grammar School has a net capacity for 1645 pupils with 1376 pupils currently on roll. The number of pupils on roll is projected to decrease to 1330 during the next five years.

An evaluation of recently approved major residential developments within the normal area of Queen Elizabeth's Grammar shows new development totalling 465 dwellings, amounting to an additional 130 secondary with post16 pupils.

Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area secondary school would have sufficient capacity to accommodate the 28 secondary with post 16 pupils arising from the proposed development.

SEND

A contribution towards SEND infrastructure will be requested for developments of 100 dwellings or more. The request for a contribution towards Special Educational Needs and Disability (SEND) provision is not subject to an analysis of capacity within a given geographical area, i.e. the locality within which the development is located. Rates of all types of SEND are increasing and special schools and Enhanced Resource School (ERS) units generally operate at or above capacity to avoid pupils being placed out of County. The pattern of provision across the County often involves pupils travelling a significant distance in order to access the most appropriate place to suit their needs. It is therefore not appropriate or possible to assess capacity against the need for places generated by any given development within any specific locality.

The proposed development for 100 dwellings $\times 0.7/100 = 0.7$ pupil places.

Mitigation

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

- £435,973.20 towards the provision of 24 Primary places at Brailsford CE Controlled Primary School + additional education facilities.
- £72,762.83 towards SEND places."

5.5 Environment Agency

No comment.

5.6 Force Designing Out Crime Officer

“There are no overriding reasons why we would object to the development in principle relating to matters of crime and disorder.

The supporting masterplan is noted as indicative, but with no obvious flaws evident. Care will need to be taken regarding the supervision of proposed green space paths by active edges, as well as adequate boundary definition between such routes and close private space.”

5.7 Highway Authority

“The Highway Authority has undertaken an initial appraisal of the submitted documents and concludes that the assessment provided is insufficient, as such it is recommended that this application is not determined until a more comprehensive assessment has been submitted and reviewed. Detailed comments are provided below on what has been submitted to date.

The application has been supported with a Transport Statement (TS) and Travel Plan (TP), this is not suitable for a development of this scale and should be a Transport Assessment (TA) which has a wider reaching appraisal. As such a TA should be submitted and the scope of the assessment should be agreed with the Highway Authority before it is prepared.

The site is not allocated in the adopted Local Plan or Brailsford Neighbourhood Plan, therefore no strategic assessment has been undertaken to consider the impact of this site alongside the other planned growth. The TS considers a future year of 2027, however this is not considered to be sufficient and a horizon year to match the end of the Local Plan should also be presented.

The accessibility of the site on foot and bicycle using the industry standard 2km and 5km has been provided. No actual distances or journey time assessment has been provided to essential services bases on local route characteristics, further comment is made on this later.

Vehicle Access

A ghost lane has been proposed, it is not clear how the conclusion to provide this been reached, the applicant should provide some reasoning why this is proposed as it does not provide a consistent approach to other junctions in Brailsford on further afield on the A52.

Alterations are suggested to amend the speed limit, again this needs explanation and it should be noted that the process to relocate it falls outside the control of the planning process. If the applicant is to maintain the access as currently proposed it should be supported with a road safety audit, departures from standard report and the dimensions of the lanes, taper length etc should be provided.

Works to the Highway associated with the opposite Avant Homes development are not completed and this application therefore needs to align with that consented access arrangement.

Trip Rates

The proposed trip rates appear to be low, and a sensitivity test undertaken by the Highway Authority confirms this. The TRICs output does not reflect the rural setting by virtue of the average car ownership levels and size of nearby population. Furthermore, the TS make no account for the proposed commercial/medical centre generation and as this is to be

determined at this stage the total number of trips is likely to be a significant under estimation and makes the TS unreflective of the proposal.

As indicated previously the assessment years are not sufficient and a sensitivity test to align with the Local Plan is needed. TEMPRO 8 should be used to consider vehicle growth as this is the latest release.

Other matters to be addressed in a future submission

There are some local services in Brailsford, but access to them is via narrow footways with multiple crossings being needed which are disincentives to walking particularly those undertaking escorted education trips. It is considered necessary for a WCHRA to be provided to review the route to the local services and propose interventions where there are limitations to the existing network.

Where services are not available in the immediate community they should be identified and the TA propose how future residents will travel to reach them by a choice of modes.

The proposal must include measures to prioritise bicycle access, it is clear that the A52 is not an attractive route for cyclists and even within Brailsford itself where the speed limit is lower there is presently no dedicated infrastructure. As such the access and routes to services should be reviewed with a JAT and CLoS as defined in LTN 1/20.

The nearest bus stops need to be improved to help encourage active travel, it is expected that this will be included in any amended access proposals.

There is a public right of way passing through the site, this could offer a more attract route into the village centre which would be car free. The applicant should explore options to enhance this route which not only has reduced conflict but is more direct.

Travel Plan

This proposed a 10% shift of car driver activity to other mode within 3 years. This is low target compared to what a successful plan could achieve, but in context of the limited access to employment or secondary education in the existing community, limited walking infrastructure and no cycling infrastructure this target is unrealistically high. Equally the plan only proposes to share information and does not provide for any incentive to encourage active travel or increased public transport usage, as such the Highway Authority concludes that the plan, as proposed, is unlikely to achieve its target and does not make the positive impact toward climate change adaption and the wider net zero ambition.

The travel plan needs to be re written alongside the new TA.

Indicative Masterplan

As the application is presented in outline these comments are for noting.

The current highway design guide is the DSP which can be found on Derbyshire County Councils website, the applicant should confirm that this document remains current before developing any reserved matters layout.

The layout is car dominated, doesn't prioritise active travel and is made up of cul-de-sacs. Furthermore, the layout utilises false junctions rather than designing the carriageway for the predominant movement pattern.

The applicant is also reminded that the design speed of the street should be very low and the layout self-enforces this. This should be read alongside the need to provide tree lined streets and designing to create a sense of place.

Conclusions

Overall, the application is unacceptable in its present form as the levels of assessment provided is insufficient. It does not use the road user hierarchy in its assessment, the design of the access or streets which has resulted in a car dominated proposal.

The applicant should provide a new Transport Assessment and Travel Plan addressing the above matters and make amendments to the masterplan. The submission as currently proposed conflicts with local and national policy, and matters need to be amended to remove that conflict.”

5.8 Historic England

No comment.

5.9 Lead Local Flood Authority

No objections subject to planning conditions

5.10 NHS Derby and Derbyshire Integrated Care Board

“The development is proposing 100 (A) dwellings which based on the average household size of 2.5 per dwelling and assuming 100% of the new population would come into this area for primary care health provision would result in an increased patient population of approx. 250 (B) (2.5 x A).

It is unlikely that NHS England or NHS Derby and Derbyshire Combined Care Group (CCG) would support a single handed GP development as the solution to sustainably meet the needs of the housing development and that the health contribution would ideally be invested in enhancing capacity / infrastructure with existing local practices. The closest practices to this development are;

- Brailsford and Hulland Medical Practice
- Brailsford and Hulland Medical Practice – branch site
- Ashford Medical Practice
- Ashford Medical Surgery

We would like to discuss the potential for S.106 funding to be used to provide additional capacity at any practice in the vicinity of the development, which may be through the extension of one or more existing site, or a new building.

The amount requested is proportionate to the scale of the housing development proposed.

The indicative size of the premises requirements has been calculated based on current typical sizes of new surgery projects factoring in a range of list sizes recognising economies of scale in larger practices. The cost per sq m has been identified by a quantity surveyor experienced in health care projects.

The financial contribution requested is £90,000.”

5.11 Severn Trent Water

No response to date.

5.12 Sport England

“The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit, therefore Sport England has not provided a detailed response in this case, but would wish to give the following advice to aid the assessment of this application.

If the proposal involves the loss of any sports facility then full consideration should be given to whether the proposal meets paragraph 99 of National Planning Policy Framework (NPPF), is in accordance with local policies to protect social infrastructure and any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

If the proposal involves the provision of a new sports facility, then consideration should be given to the recommendations and priorities set out in any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority may have in place. In addition, to ensure they are fit for purpose, such facilities should be designed in accordance with Sport England, or the relevant National Governing Body, design guidance notes.

If the proposal involves the provision of additional housing then it will generate additional demand for sport. If existing sports facilities do not have the capacity to absorb the additional demand, then new and/or improved sports facilities should be secured and delivered in accordance with any approved local policy for social infrastructure, and priorities set out in any Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

In line with the NPPF (including Section 8) and PPG (Health and wellbeing section), consideration should also be given to how any new development, especially for new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities. Sport England’s Active Design guidance can be used to help with this when developing or assessing a proposal. Active Design provides ten principles to help ensure the design and layout of development encourages and promotes participation in sport and physical activity.”

5.13 DDDC Conservation Officer

“The proposed development is for outline planning permission for a mixed-use development of up to 100 no. dwelling houses and a commercial development or new medical centre, with approval being sought for access.

The proposed development site is located to the south of the A52 at the western end of the settlement of Brailsford.

Brailsford evolved as a linear village on the main Ashbourne to Derby road. That linear nature along the A52 has, notwithstanding 20th century development/infill, been retained. As a consequence of the location of a medieval manor house or property, ‘The Green’ is a southern spur off the main street which undoubtedly gave access to the former manor house/hall (the site is partially occupied by a former moat) and in the 17th -19th century ‘The Green’ was the site of the development of a series of farmhouses and farm buildings (and associated land), together with the (former) rectory at the southern bend of ‘The Green’. This part of the settlement forms the core of the Brailsford Conservation Area (designated 1996).

As part of the proposed designation of the Conservation Area in 1996 the following attributes were recognised – ‘the west side of The Green has some of the villages oldest buildings (mainly farmsteads), three of which are grade II listed. It is an area of possible former toft

and croft farming practices, a medieval form of enclosure. Therefore, the fields and hedgerows on The Green are believed to be of considerable historic interest and important to its setting. The Old Rectory dates back to the early 16th century and has had numerous additions since then in 1682, 1883 & 1925. It is a building of importance to the character of 'The Green'. The submitted Heritage, Design & Access Statement (HDAS) acknowledges and recognises that "this original part of Brailsford is known as Brailsford Green and is the oldest part of Brailsford" and that the site "consists of arable grassland in agricultural use bounded by hedgerows".

The proposed development site is on open land to the west of 'The Green and outside the Conservation Area, however the development sites' eastern boundary abuts the Conservation Area boundary. Access to the new development will be off the A52 and an indicative layout has been submitted.

Whilst the western boundary of the Conservation Area includes a series of historic crofts associated with the listed and historic farmhouses/buildings on the western side of 'The Green', the boundary does not indicate the extent of the contributory value and importance of the adjacent fields and open land. To serve these relatively large farmsteads their land holding would have extended westwards and include the proposed development site. Whilst outside the Conservation Area it is considered that these fields & open land are synonymous with, and contribute significantly to the setting and context of the Conservation Area and its identified attributes and importance to, the village as a whole. In this important regard and identification the current fields and open land to the west of the Conservation Area boundary are an important and intrinsic contributor to its setting and its historical context and development.

The HDAS makes reference to the recent, extensive, developments on the northern side of the A52 and that this development "has already changed the character of the area and the rural setting of Brailsford to some extent". Whilst that may be the case for the northern side of the A52 the southern side, and this western side, has remained rural and open and devoid of new development. The retention of this rural character and appearance of the existing and historical built development along 'The Green' and the open land/fields beyond are considered significant to the character, appearance and experience of the designated heritage assets.

The HDAS makes several references to the proposed inclusion of a buffer of green areas and low density development adjacent to the Conservation Area boundary. The reason cited for this is to ensure the proposed development will only 'cause minimal impact' on the designated heritage assets. It is considered that this proposal, in itself, is a fundamental flaw of the proposed development scheme as it has been considered that the new development needs to be buffered and screened etc. from the Conservation Area. This separation of built development will reinforce the divorced and separated nature of the proposed development on the rural edge of the village and in that regard such a development scheme would be an intrusive and detrimental inclusion/encroachment on this side of the village. The potential impacts of such a development scheme will be harmful to the setting of the Conservation Area.

The NPPF states that 'the setting of a designated heritage asset can contribute to its significance'. Historic England's national guidance on the 'setting of heritage assets' (2015) states that 'the setting of a heritage asset is the surroundings in which a heritage asset is experienced. Its extent is not fixed'. Furthermore it states that the importance of setting lies in 'what it contributes to the significance of the heritage asset'. It is considered that a fundamental attribute of the significance of the Conservation Area is to be found and experienced in the individual & collective impact of structures (listed and non-listed buildings) making up the built environment and its layout, as well as the historic and intrinsic connection to the rural and open landscape to the west.

The HDAS states that “in order to ensure that the proposed development does not harm the special character and significance of the conservation area, grade II listed adjacent properties, and non-designated heritage assets, by virtue of changes to their settings, the layout of the development responds to the location character and significance of these features and existing buildings, and the likely impact of the development upon them has been carefully considered”. It is considered that the indicative scale, extent and layout of the proposed development does not respond to the locations character or to the significance of the designated and non-designated heritage assets. Nor, in regard to the proximity, degree of visual & physical change and scale & extent of the development and its potential prominence, conspicuousness and competition to the existing character and appearance of ‘The Green’ and the existing open land to the west of the Conservation Area, does the proposed development present any attributes or enhancements to the setting of the Conservation Area.

The HDAS states that “it must be noted that, the new development of 75 homes directly opposite the site has already changed the character of the area and the rural setting of Brailsford to some extent”. It is considered that the recent amounts of new developments in Brailsford have been located to the northern side of the A52 and that the southern side, and particularly the area containing ‘The Green’ and its associated open landscape to the west and south, that this has remained undisturbed (since designation in 1996) and thus has retained its intrinsic and integral character and appearance in association with the setting and context of the Conservation Area.

It is concluded that the presence and magnitude of such development, in this sensitive location and context, will have an adverse effect on the setting of the Conservation Area and its impact(s) will result in irrevocable harm.”

5.14 DDDC Environmental Health

No response to date.

5.15 DDDC Policy

“Although not a policy consideration in relation to the determination of this application, a significant part of the proposed site was included in the Call for Sites undertaken in 2021 and assessed through the SHELAA process in 2022.

The site failed stage B the conclusions stated that the main constraints were the potential impact on landscape character and sensitivities regarding the proximity of the Conservation Area and nearby Listed Buildings. The Highways Authority also commented that there are no pedestrian footways on the site frontage or link to the centre of the village. In terms of infrastructure, issues were also raised regarding the capacity of Brailsford Primary School and Queen Elizabeth’s Grammar School and Severn Trent identified concerns with the sewerage infrastructure.

The conclusion stated: on balance it is considered given the potential impact of development on landscape character, notably the character of the village from approach to the west and in combination with new development to the north of the A52 alongside effects to the setting of the historic environment, notably Brailsford Conservation Area, that the site is undevelopable.

The outline application proposes a development of 100 housing units and commercial development or medical facility in Brailsford. It is proposed that the site is accessed from the A52. The site is currently agricultural land, adjacent to the Conservation Area and close to the defined settlement boundary.

As the site is not within the defined settlement boundary for Brailsford it is contrary to policy in the Local Plan however Policy S4 sets out the circumstances where limited development may be acceptable should a five year housing land supply not in in place, the current five year land supply is 3.96 years.

The key policy question is that given there is no five year land supply, is this a suitable location for housing development? Policy S2 recognises Brailsford as a third tier settlement and therefore limited development may be acceptable. In order to be an acceptable location for development the policies identified as relevant in the Local Plan will need to be met. In addition the constraints on development identified through the SHELAA would need to be fully addressed through the reserved matters. In particular the landscape impact and the potential impact on the Conservation Area and setting of a Listed building.

In addition, the pedestrian links to Brailsford centre and the impact on the sewerage infrastructure. In determining the planning application it will need to be considered if the tilted balance has been engaged and whether there are any circumstances that dictate whether the presumption in favour of development can be set aside e.g. impact upon local landscape or Conservation Area.”

5.16 DDDC Rural Housing Enabler

No response to date.

5.17 DDDC Trees and Landscape Officer

“The only existing trees on the site that are subject to statutory protection by being within a conservation area would be those on the eastern boundary of the site.

There are no trees currently subject to Tree Preservation Order (TPO) on the site or close enough to it to be adversely affected by the proposals.

There are numerous mature trees and hedgerows particularly around the boundary of the site and it is important that these be retained, appropriately protected during development works and successfully integrated into the development for the long-term in order to maintain their contribution to the character and appearance of the site and its contribution to the local landscape.

It is particularly important to retain and protect from damage larger trees because their diverse contribution to amenity cannot be replaced quickly. The old oak tree in roughly the centre of the site should, in my opinion, be regarded as a ‘veteran tree’ because of its range of ecologically valuable features. It is particularly important to protect this tree from damage during any development works and successfully integrate it into the development for the long term. This should include provision of more than the minimum distance between tree and development and limiting development in its vicinity to green open space.

Consideration should be given to how this tree could retain its important habitat features (including dead and damaged branches) while being situated within an intensified land use.

To facilitate an assessment of the potential impact of the proposals on existing trees and hedgerows requires further information to be submitted. I recommend that the applicant should submit for approval pre-determination an AIA prepared according to the guidelines of BS 5837 (2012). This should include:

- Tree Schedule to include all trees within 15m of the red line boundary of the site,
- Tree Constraints Plan based on the existing layout of the site,

- Tree Retention and Removals Plan based on the proposed layout of the site, and
- Tree Protection Plan based on the proposed layout plan with specification for temporary tree protection fencing and/or temporary ground protection.

If the AIA indicates that development or site activity would encroach into the canopy extent or root protection area of any retained trees then I recommend that a detailed site specific Arboricultural Method Statement be submitted for approval. This could be required as a condition to a grant of planning consent.”

5.18 DCC Archaeologist

“The proposed development area (PDA) lies immediately to the east of the Brailsford conservation area (DDR7012) in part of Brailsford, (Brailsford Green) described in the Heritage Statement as being “This original part of Brailsford is known as Brailsford Green and is the oldest part of Brailsford”. Brailsford village is a pre-Norman establishment, with some evidence of Anglo-Scandinavian occupation in the area, and is recorded in the Domesday survey. Please consult your own buildings and conservation archaeologist on this application.

In terms of below ground impacts; the potential for development to affect below ground archaeology has not been addressed in the submission. I therefore require further information regarding below ground archaeological impacts and potential significance, pre-determination, in accordance with Para 194 of NPPF.

I suggest that this can be provided by augmenting the Heritage Statement with elements of a Desk Based archaeological assessment accompanied by suitable expert advice regarding below ground archaeology. This should consider the historical origins and development of the village, from the point of view of the PDA, in relation to it. This should also draw on LiDAR data and an examination of the aerial photography as well as a geophysical survey (with evaluation trenching if necessary). The desk based assessment and geophysical survey should be undertaken pre-determination with any evaluation trenching work conditioned into any planning application if required.”

5.19 DCC Landscape Architect

No comment.

5.20 DCC Policy

DCC Policy conclude the following:

“On the basis of the detailed Officer comments below, Derbyshire County Council considers expresses concern that the application proposals may be disproportionately large at 100 dwellings for the scale, role and function of Brailsford as a Third Tier settlement. Three sites are already allocated in the DDDL to the north of the village for housing developments ranging between 32 and 47 dwellings, which may give an indication of the scale of development that the District Council considers appropriate for Brailsford.

However, a key consideration in the assessment of the application proposals is that the District Council cannot demonstrate a five year land supply, in which case there would be a presumption in favour of the application proposals in terms of policies in the NPPF and Policies S4: Development in the Countryside and HC1: Location of Housing Development of the adopted Local Plan. In addition, the application proposals would provide for significant benefits to the local community including 30% of the new housing being provided as affordable units, 40% of the site being set aside for public open space, the provision of 10% biodiversity net gain across the site and the provision of land that could accommodate a

new medical centre for the village to replace the existing medical centre which is in need of modernisation and expansion. Childrens play facilities could be included within the overall proposed scheme which would provide community benefit. A community fund could also be considered.

A further material planning consideration is Appeal Decision (appeal ref: APP/P1045/W/17/3167362) at Land off Main Road, Brailsford (application ref: 16/00567/OUT) relating to 'Outline application for residential development of up to 75 dwellings and associated access' which was allowed at appeal on the 8th September 2017 on land to the north of the current application site which is also located outside the defined Settlement Development Boundary.

Therefore in conclusion, in the context of paragraph 11 of the NPPF and the 'tilted balance' it would appear that on balance the application proposals would be acceptable in the context of national and local plan policies for sustainable development and recent appeal case.

In the context of the above, Derbyshire County Council considers that whilst this is a large scale housing scheme outside of the defined settlement limit, it is recognised that the District Council cannot demonstrate a five year housing land supply. The community benefits of the proposal are considerable i.e. the provision of approximately 33 new affordable dwellings out of the total of up to 100 dwellings, significant areas of public open space and the possibility of a new medical centre to serve the village together with the potential for a childrens play area and a community fund."

5.21 DCC Rights of Way

"DDDLP Policy PD4: Green Infrastructure sets out the District Councils ambition to secure the long term management of green infrastructure networks. Whilst not specifically mentioning Public Rights of Way the third bullet point of the policy details bridleways and cycle ways. The sixth bullet point seeks the protection and extension of long distance trails. Brailsford Public Footpath No. 40 which runs through the application site is part of the Centenary Way.

BNP Policy GSL1: Green and Open Spaces seeks new rights of way or accessible links to the wider footpath network.

Brailsford Public Footpath No. 40 runs through the proposed development site. However, the line of the path, used to plan the layout of the proposed development, differs from the definitive line of the footpath, as shown on the attached plan. I would grateful if you could make the applicant aware of the legal line. It is not uncommon for the line of a path, particularly through an open field, to move over time. Although, even when the walked line becomes slightly different, the legal line remains the official line of the path until it is changed by a legal event, such as a diversion order.

Therefore, the Rights of Way Section must object to the proposals as they stand, as the development would obstruct the legal line of the path. For work to proceed as proposed, a footpath diversion will be necessary, to divert the path onto the walked line. The applicant should apply to your council for the requisite diversion.

The applicant should be advised that an application can be submitted for the diversion of the public footpath in advance of planning permission being granted. The intention to put the footpath at the centre of the scheme is welcomed, as are the intentions to add to the public rights of way network with further footpaths, improve the connecting paths off site, and to limit the impact of the development on footpath 40 by providing a green linear park through which the path would run.

Any planning permission should include these intentions as conditions, in order to formalise them. The applicant should liaise with the Rights of Way Section at each stage of the planning process, to ensure that the details of any intentions relating to public rights of way are acceptable prior to any works taking place.

I should be grateful if you would advise the applicant as follows: -

- Both the legal line of footpath 40, and the walked line, must remain open and unobstructed.
- There should be no disturbance to the path surface without prior authorisation from the Rights of Way Section.
- Consideration should be given to the safety of members of the public using the path during the works. A temporary closure of paths will be permitted on application to DCC where the path(s) remain unaffected on completion of the development.
- There should be no encroachment of the path, and no fencing should be installed without consulting the Rights of Way Section.”

5.22 DCC Sustainable Travel Team

“A local bus service known as ‘swift’ operates along Main Road, the A52, which runs along the main part of the north eastern side of this development site. The ‘swift’ bus service links Derby with Ashbourne and, although not on Sunday, to Uttoxeter with a timetable providing buses generally hourly 06:30 to 00:50 (Mon-Sat) / 09:25 to 18:45 (Sun).

Bus stops are provided on Main Road close to the north west corner of the site and are situated approximately 100m from the proposed development access road (slightly less for the Derby bound stop).

Both bus stops feature basic facilities but do not meet current accessibility standards.

The bus stops would benefit from upgrades in terms of accessibility and infrastructure such as shelter and real-time information provision. There is an uncontrolled tactile crossing point at the Ashbourne direction stop but this is immediately forward of the site which is now considered to be bad practice. The other issue is that there is no footway link on the south west side of Main Road and bus passengers from the development would be expected to cross the A52 twice in order to use this stop. Consideration should be made for a section of new footway to link from the development to this bus stop; a relocated uncontrolled tactile crossing point could be incorporated into this.

I would prefer bus stop infrastructure to be delivered within a required S278 agreement rather than S106 funding.”

5.23 Peak & Northern Footpaths Society

“I have no objection. I trust that the improvements to the local public rights of way network as described in the application documents will be secured in any planning permission. In particular the surfaces of Brailsford FPs 26 and 40, both on and off-site, should be improved as authorised by the county council. In addition the new links to these paths should be legally dedicated as public footpaths, or formally adopted. This will achieve the aims mentioned in the documents of enhancing existing walks around the village, improving the accessibility of the Centenary Way, and enhancing links to the open countryside.”

5.24 Derbyshire Dales Ramblers

“Ramblers Derbyshire Dales Group has no objection providing that:

- i. Brailsford FP 40 remains unaffected at all times, including the path surface, both during and after any development
- ii. Consideration should be given to the safety of members of the public using the Right of Way during the proposed works
- iii. Any encroachment of the paths would need consultation and permission with/from the DCC Rights of Way Team
- iv. Any additionally created paths would benefit from being added to the Definitive Map to both secure their legal safeguarding and to show the new routes on the OS”

6.0 REPRESENTATIONS RECEIVED

6.1 48 letters of representation have been received to date all in objection to the application. The material planning reasons are summarised below:

- a) The land is not designated for housing development in the local plan or neighbourhood plan.
- b) The application is contrary to policies in the local plan and neighbourhood plan.
- c) There is no need for further housing development within the village.
- d) Recognise the need for affordable housing but this should be provided within the areas designated in the neighbourhood plan.
- e) The scale of development proposed is excessive. The village has already expanded by 50% since 2017.
- f) Existing village facilities would not be able to cope with the increased traffic and demand created by the proposed development.
- g) There is no infrastructure within the village for childcare for children under the age of 2.
- h) There is no need for the proposed medical centre.
- i) Surface water from the proposed development will increase the risk of flooding for neighbouring properties.
- j) Sewerage infrastructure is insufficient to serve the development and any further proposals will put it at major risk.
- k) The development will harm the amenity of users of the footpath crossing the site.
- l) The proposed road crossing the footpath would create a hazard.
- m) The development will harm the privacy of neighbouring properties.
- n) The development will result in significant air pollution which is already in excess of World Health Organisation (WHO) limits along the A52 through the village.
- o) The development would result in light pollution harming the character of the area.
- p) The development will result in an adverse impact upon wildlife on the site.
- q) Insufficient information has been submitted in regard to potential impacts upon wildlife.
- r) The development will result in harm to trees on site.
- s) The development will result in loss of Grade 2 agricultural land.
- t) The development significantly encroaches upon the green fields surrounding the village.
- u) The development will significantly impact upon the openness of the countryside.
- v) The development will increase the likelihood of livestock being disturbed by residents and pets.
- w) The development will harm the landscape and the character and appearance of the area.
- x) The development will result in harm to the setting of the Grade 1 listed church, several Grade 2 listed buildings on Church Lane and the Conservation Area.
- y) The parking provision for the proposed medical facility or commercial unit is inadequate.
- z) The access to the proposed development would be unsafe.
- aa) The development will generate more traffic.
- bb) The development will harm pedestrian safety particularly for children who have to walk along the main road for school.

- cc) There is no footpath on the proposed development side of the main road.
- dd) Insufficient information has been submitted in regard to the proposed access.
- ee) Part of the site was used by allotments which have been removed in preparation for this application.

6.2 1 letter of representation has been received making the following general comment:

- a) S.106 impact on health to be considered. Initial modelling suggests that the impact of this development is up to £85,000.

6.3 29 non-attributable letters of representation have been received to date all in objection to the application. The material planning reasons are summarised below:

- The site is outside of Brailsford and not designated for housing development.
- The development would generate a significant amount of traffic.
- The development would harm highway safety.
- Occupants of the proposed development would be dependent upon the private car.
- Insufficient off-street parking is proposed to serve the development.
- There is no footpath connection between the application site and the village.
- There is insufficient capacity within the school to serve the development.
- There is insufficient capacity within the medical practice to serve the development.
- The development would have a harmful visual and landscape impact.
- The development would result in harmful light pollution.
- The development would have a harmful impact upon drainage / flooding.
- There is insufficient capacity within the sewage network to serve the development.
- Contributions secured by planning obligation would not necessarily be given to Brailsford.
- The development would have a harmful impact upon biodiversity.
- There is no need for the proposed development.
- The development would harm the setting of the Anglo-Scandinavian high cross Scheduled Monument at All Saints' Church.
- The development would harm the setting of nearby listed buildings.
- The development would harm the setting of Brailsford Conservation Area.
- The development would harm the character and appearance of the area.
- The development would result in the loss of productive arable land.
- The development would result in the loss of allotments.

7.0 OFFICER APPRAISAL

7.1 This application seeks outline permission for up to 100 dwellings on the site, and a commercial development, with all matters other than access reserved.

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

7.3 Having regard to the consultation responses and representations received and the relevant provisions of the development plan and the National Planning Policy Framework (NPPF), the main issues to assess are listed below. These are matters related to the principle of the development and therefore must be considered at the outline stage.

- Whether residential development on this site is acceptable in principle
- Impact on cultural heritage

- Landscape impact and impact upon the character and appearance of the area
- Transport and Impact on highway safety
- Impact upon the amenity of neighbouring properties
- Sustainable building and climate change
- Flood risk and drainage
- Impact on trees and biodiversity
- Affordable housing, housing mix and developer contributions

Principle

- 7.4 The application site is not allocated for housing in the development plan and is located outside but partially on the edge of Brailsford. Policy S2 directs development to the most sustainable locations to reduce the need to travel and promote sustainable communities based on the services and facilities available in each settlement. Brailsford is a third tier settlement where policy provides for reduced levels of development in comparison to higher order settlements in order to safeguard and, where possible, improve their role consistent with maintaining or enhancing key environmental attributes. New development should be focused within the defined settlement boundary in accordance with their scale, role and function unless otherwise indicated in the Local Plan.
- 7.5 Policy H1 supports small-scale infill development housing development within the settlement boundary which relates well to neighbouring properties and is appropriate for the rural setting.
- 7.6 Outside of defined settlement boundaries policy S4 seeks to ensure that new development protects and, where possible, enhances the character and distinctiveness of the landscape, the historic and cultural environment and the setting of the Peak District National Park whilst also facilitating sustainable rural community needs, tourism and economic development.
- 7.7 The Council is unable to demonstrate a 5 year housing land supply at this time. Paragraph 11 d) of the National Planning Policy Framework is therefore engaged. The development plan does, however, contain provisions in circumstances where the Council is unable to demonstrate a 5 year supply of housing which align with the framework in terms of achieving sustainable development. Policy S4 i) allows for residential development on non-allocated sites on the edge of defined settlement boundaries of first, second and third tier settlements.
- 7.8 The application site is located on the western edge of residential development south of Main Road. The access to the site would be approximately 450m from the village store / post office and 60m to the nearest bus stop on Main Road.
- 7.9 Therefore, in the current circumstances the principle of residential development on this site is in accordance with policies S2 and S4 i) of the Adopted Derbyshire Dales Local Plan (2017). However, for Brailsford policy S2 provides for reduced levels of development to safeguard, and where possible, improve their role consistent with maintaining or enhancing key environmental attributes. The scale of the proposed development is substantial relative to the size of Brailsford and the range of services and facilities available.
- 7.10 The application also proposes a commercial development as part of the development. The indicative plans show a 0.35 Ha area of land to the north east of the site reserved for this purpose. The application does not propose any specific use class or scale of development but the application form indicates that this element of the development would have a floor area of 1000m².
- 7.11 The planning application proposes that this land would be made available for uses including a convenience food store, office space or other commercial purposes which can be undertaken in a residential area. The proposal therefore appears to be broad in scope,

proposing a range of potential uses falling within and outside Use Class E (Commercial, Business and Service) but excluding Use Classes B2 (General Industrial) and B8 (Storage or distribution).

- 7.12 Policy S2 allows for new development within the settlement boundary of a reduced scale relative to existing services and facilities available within the village. The application site is however outside the settlement boundary for Brailsford. There is no provision within the development plan for commercial development on the site other than rural employment development in accordance with policies S4 c) and EC1. There is no provision for retail development of the scale proposed. Furthermore, the application form indicates a proposed floor space of up to 1000m². This scale of development would be very significant relative to the current size of Brailsford, existing facilities, services and infrastructure.
- 7.13 As stated in the representations received, part of the site was used as allotments which have been removed ahead of submission of this application. Google Earth imagery shows the allotments to be in use as recently as 2021. Whilst allotments constitute agricultural use of the land and the reinstatement of a single field did not require planning permission, Policy HC15 seeks to protect community facilities such as allotments and only supports their loss where it can be demonstrated that the existing use is no longer needed to serve the needs of the community, is no longer commercially viable or the use of the facility has been offered to the community for their acquisition. No information to demonstrate that the allotments are no longer needed to serve the community has been submitted with the application. This is unfortunate given that the evidence that underpins the Developer Contributions SPD indicates that the provision of allotments within the Derbyshire Dales Plan area is below the nationally recommended amount and existing sites are at capacity.

Impact on cultural heritage

- 7.14 The site is located to the south of the A52 at the western end of the settlement. Brailsford evolved as a linear village on the main Ashbourne to Derby road. That linear nature along the A52 has, notwithstanding 20th century infill development, been retained. As a consequence of the location of a medieval manor house or property, 'The Green' is a southern spur off the main street which gave access to the former manor house/hall and in the 17th -19th century 'The Green' was the site of the development of a series of farmhouses and farm buildings (and associated land), together with the former rectory. This part of the settlement forms the core of the Brailsford Conservation Area.
- 7.15 The west side of 'The Green' has some of the oldest buildings in the village (mainly farmsteads), three of which are grade II listed. It is an area of possible former toft and croft farming practices, a medieval form of enclosure. Therefore, the fields and hedgerows on 'The Green' are believed to be of considerable historic interest and important to its setting. The Old Rectory dates back to the early 16th century and is a building of importance to the character of 'The Green'.
- 7.16 The proposed development site is on open land to the west of 'The Green' and outside the Conservation Area, however the eastern boundary abuts the Conservation Area boundary. Whilst the western boundary of the Conservation Area includes a series of historic crofts associated with the listed and historic farmhouses / buildings on the western side of 'The Green', the boundary does not indicate the extent of the contributory value and importance of the adjacent fields and open land. To serve these relatively large farmsteads their land holding would have extended westwards and include the proposed development site.
- 7.17 Therefore, whilst outside the Conservation Area these fields & open land are synonymous with, and contribute significantly to the setting and context of the Conservation Area and its identified attributes and importance to, the village as a whole. In this important regard and identification the current fields and open land to the west of the Conservation Area boundary

are an important and intrinsic contributor to its setting and its historical context and development.

- 7.18 Policies PD2 is relevant and states that the Council will conserve heritage assets in a manner appropriate to their significance. This will take into account the desirability of sustaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment. Particular protection will be given to heritage assets including (amongst other things) conservation areas, listed buildings, archaeological sites or heritage features and non-designated heritage assets. Policy H1 requires development to demonstrate an understanding of attention to the village environment, its rural location and history and provides specific design requirements.
- 7.19 The Brailsford Conservation Area and listed buildings are designated heritage assets. The Local Planning Authority is obliged to have special regard to the desirability of preserving listed buildings their setting or any features of special architectural or historic interest which they possesses. The Local Planning Authority is also obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 7.20 A Heritage, Design & Access Statement (HDAS) has been submitted with the application. The HDAS acknowledges and recognises that “this original part of Brailsford is known as Brailsford Green and is the oldest part of Brailsford” and that the site “consists of arable grassland in agricultural use bounded by hedgerows”. The application is in outline only with all matters reserved except for access. However, the submitted indicative layout shows a buffer of green areas and low density development adjacent to the Conservation Area boundary. The HDAS makes several references to these design measures to ensure that the development will only “cause minimal impact”. The HDAS also makes reference to the recent developments on the north side of the A52 and that states that this development “has already changed the character of the area and the rural setting of Brailsford to some extent”.
- 7.21 The NPPF states that ‘the setting of a designated heritage asset can contribute to its significance. Historic England’s national guidance on the ‘setting of heritage assets’ (2015) states that “the setting of a heritage asset is the surroundings in which a heritage asset is experienced. Its extent is not fixed”. Furthermore, it states that the importance of setting lies in “what it contributes to the significance of the heritage asset”.
- 7.22 A fundamental attribute of the significance of the Conservation Area and the listed buildings to the west of ‘The Green’ is to be found and experienced in the individual and collective impact of structures (listed and non-listed buildings) making up the built environment and its layout, as well as the historic and intrinsic connection to the rural and open landscape to the west (the application site).
- 7.23 The HDAS states that “in order to ensure that the proposed development does not harm the special character and significance of the conservation area, grade II listed adjacent properties, and non-designated heritage assets, by virtue of changes to their settings, the layout of the development responds to the location character and significance of these features and existing buildings, and the likely impact of the development upon them has been carefully considered”. The HDAS concludes that “a high-quality development can be delivered on the site which does not harm the character and significance of the Conservation Area or nearby listed buildings, including All Saints Church”.
- 7.24 Officers disagree with the conclusions of the HDAS. Having regard to the significance of affected heritage assets and the application site it is considered that the indicative scale, extent and layout of the proposed development does not respond positively to the character or the significance of affected designated and non-designated heritage assets. The development does not (in regard to the proximity; degree of visual and physical change;

scale and extent of the development; prominence; conspicuousness; competition to the existing character and appearance of 'The Green' and the existing open land to the west of the Conservation Area) present any attributes or enhancements to the setting of the Conservation Area.

- 7.25 The approach to the indicative layout is that the development needs to be buffered and screened from the Conservation Area. This separation of built development will reinforce the divorced and separated nature of the proposed development on the rural edge of the village and such a development scheme would be an intrusive and detrimental encroachment on this side of the village.
- 7.26 The HDAS states that "it must be noted that, the new development of 75 homes directly opposite the site has already changed the character of the area and the rural setting of Brailsford to some extent". However, recent development in Brailsford has been located to the northern side of the A52 whereas the southern side, and particularly the area containing 'The Green' and its associated open landscape to the west and south has remained undisturbed and has retained its intrinsic and integral character and appearance in association with the setting and context of the Conservation Area.
- 7.27 It is therefore concluded that the development will affect the setting of Brailsford Conservation Area and the setting of affected listed buildings wherein including Green Farm (Grade II), Barns South of Green Farm (Grade II), Old Hall Farmhouse (Grade II), The Old Rectory (Grade II) and All Saints Church (Grade I). The development will not preserve or conserve the setting of the Conservation Area or affected listed buildings. The development will result in a very significant and irrevocable impact which would result in harm to the setting of affected heritage assets contrary to policies PD2 and H1.
- 7.28 The harm identified, while very significant, would not result in substantial harm or total loss of the Conservation Area or affected listed buildings. Therefore in accordance with paragraph 202 of the NPPF the harm should be weighed against the public benefits of the proposal bearing that the NPPF states that great weight should be given to the conservation of designated heritage assets and the statutory duty to have special regard to the desirability of preserving the Conservation Area and listed buildings.
- 7.29 The County Archaeologist advises that due to the location of the PDA (proposed development area) relative to the Conservation Area that there is potential for the development to affect below ground archaeology. Therefore, an archaeological assessment is required pre-determination considering the historical origins and development of the village, drawing on LiDAR data, examination of aerial photography and geophysical survey (with evaluation trenching if necessary).
- 7.30 An archaeological assessment has not been submitted with the application. Therefore, as submitted insufficient information has been provided to allow archaeological impacts and potential significance to be understood contrary to policy PD2 and paragraph 194 of the NPPF. The agent has been made aware of the comments from the County Archaeologist, however, as there are fundamental concerns about the proposed development an archaeological assessment has not been requested prior to determination.

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

- 7.31 Policy S1 of the Adopted Derbyshire Dales Local Plan (2017) states that development should conserve and where possible enhance the natural and historic environment, including settlements within the plan area. Policy PD1 requires all development to be of high quality design that respects the character, identity and context of the Derbyshire Dale's townscapes and landscapes.

- 7.32 Policy S4 s) states that permission will be granted for development where it does not undermine, either individually or cumulatively with existing or proposed development, the physical separation and open undeveloped character between nearby settlements either through contiguous extension to existing settlements or through development on isolated sites and land divorced from the settlement edge.
- 7.33 Policy PD5 deals specifically with landscape character and states that the Council will seek to protect, enhance and restore the landscape character of the area. This will be achieved by requiring that development has particular regard to maintaining landscape features, landscape character and the setting of the Peak District National Park. Development that would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement will be resisted.
- 7.34 Policy PD1 goes on to say that development will only be permitted where the location, materials, scale and use are sympathetic and complement the landscape character, natural features (including trees, hedgerows and water features that contribute positively to landscape character) are retained and managed and opportunities for appropriate landscaping are sought such that landscape characteristics are strengthened.
- 7.35 Policy LW1 of Brailsford Neighbourhood Plan states that proposals shall demonstrate appropriate regard for the landscape sensitivities and designations that are significant features of and constrain development within the parish including the landscape within which the Conservation Area is set. Inter-visibility between the proposed site and the open countryside will need to be assessed and addressed.
- 7.36 The application site comprises a large arable field and forms part of a wider landscape of mainly arable fields bound by hedgerows. The land falls gently to the south west and there are distant views to the wider countryside between the field boundaries of tall hedges and occasional trees. The site lies within the Needwood and South Derbyshire Claylands Landscape Character Area (LCA) and within the Settled Plateau Farmlands Landscape Character Type (LCT). The site is not subject to any landscape designations; however, Brailsford Conservation Area is located close to the east and several public rights of way (PROW) cross and are within close proximity of the site.
- 7.37 This is predominately pastoral landscape of rolling countryside that is still largely rural and relatively tranquil, featuring distinctive field boundary patterns and characteristic hedgerows with hedgerow trees. Grassland for livestock is the dominant land use although dairy and cereal farming are also important. This LCT is characterised by gently rolling upland plateau, slowly permeable, seasonally waterlogged soils over glacial till, pastoral farming with some cropping, marl pits forming small ponds, densely scattered boundary trees and occasional small woodland blocks, small to medium fields surrounded by hedgerows, parkland estates, areas of former common land with clusters of red brick and Staffordshire blue clay tile roofed cottages, scattered farmsteads and estate farms and extensive view over lower ground.
- 7.38 The application is supported by a Landscape and Visual Appraisal (LVA). The LVA identifies the relevant LCA and LCT, examines the value of the landscape and the impact of the proposed development.
- 7.39 The LVA provides an assessment of the sensitivity of this landscape and concludes that the site and immediate landscape is of medium landscape value. The LVA states that during operation (following completion) that the development would have an initial minor adverse effect on landscape character reducing to minor / negligible adverse effect by year 15. Impact upon the site and immediate context is considered to be moderate adverse reducing to moderate / minor adverse by year 15.

- 7.40 Impacts upon local visual receptors are also considered by the LVA. Impacts upon residential properties and settlement are considered to be major / moderate adverse falling to moderate / minor adverse by year 15. Impact upon the footpath running through the site is considered to be major / moderate adverse reducing to moderate adverse by year 15. Impact upon views from footpaths looking towards the development from the north and east are considered to be minor / negligible adverse reducing to negligible adverse by year 15. Views from Church land and the lane leading to All Saints Church are considered to be moderate / minor adverse reducing to minor adverse by year 15.
- 7.41 The LVA concludes that subject to adoption of appropriate design and mitigation measures as identified on the submitted indicative plans that impacts on landscape and visual receptors are minimised in the longer term and that the development would not result in any unacceptable long-term landscape and visual effects.
- 7.42 Officers have sought independent landscape advice from Derbyshire Landscape and Placemaking on the landscape impact of the application and the submitted LVA.
- 7.43 Derbyshire Landscape and Placemaking have provided comments and broadly agree with the submitted LVA in terms of the identification of relevant LCA and LCT. The comments also broadly agree with the description of local views of the site but recommend that further investigation of potential views from Ednaston and Pools Head are investigated. The LVA is considered to over emphasise the potential of existing vegetation in terms of screening with views being assessed with vegetation in full leaf. There is also an overemphasis on the transient nature of some views and the exclusion of assessment of receptors of high sensitivity in some cases. The LVA is therefore considered to underrepresent visual impacts in some cases particularly to the south western part of the development.
- 7.44 The application site is an open field south west of Brailsford with close visual and functional links with the oldest part of the village. The site also has high amenity value for residents with footpath links to All Saints Church and Ednaston providing open views to the south west. A development of this scale would inevitably result in a significant visual impact from close vantage points, irrespective of layout, scale and external appearance. The development of the site would have a clear urbanising impact through the erection of dwellings, commercial development, roads and boundary treatments along with associated noise, lighting and activity.
- 7.45 The development would result in a major adverse visual change from these close vantage points which could not be completely mitigated through the retention of green spaces and landscaping as shown on the indicative drawings. The site and land on southern side of the A52 in this location has retained its rural character which contributes towards the setting of the various heritage assets engaged, with new development focused to the north of the A52 and off Luke Lane. As identified above the development would result in very significant harm to the setting of the Conservation Area and identified listed buildings. It therefore follows that the development would result in harm to the character and appearance of the village, its setting and settlement pattern.
- 7.46 Impacts of the development upon landscape character and in the wider immediate landscape are more limited. The development would not result in significant harm to landscape character nor the wider landscape of the area subject to appropriate design and landscaping.
- 7.47 The development would therefore not preserve or enhance the character, appearance and local distinctiveness of the landscape contrary to policies S1, S4, PD5 and LW1. This impact must be taken into account and weighed in the planning balance.

Transport and Impact on Highway Safety

- 7.48 Policies S1, S4 r) and HC19 of the Adopted Derbyshire Dales Local Plan (2017) require development proposals to demonstrate that they can be safely accessed in a sustainable manner. Proposals should minimise the need to travel, particularly by unsustainable modes of transport and help deliver the priorities of the Derbyshire Local Transport Plan. Policy TMA1 encourages development proposals to provide for safe access to surrounding community facilities, an additional pelican crossing at the statutory distance from Luke Lane junction and a new pedestrian crossing on Luke Lane to provide safer access to the school and additional funding for public transport services within the parish.
- 7.49 The application is supported by a Transport Statement (TS) and Residential Travel Plan (TP). The TS concludes that there are good opportunities for pedestrian travel from the site, with amenities in Brailsford located within walking distance. Pedestrians are served by an existing footway on the northern side of the A52. The proposed site access would provide an uncontrolled pedestrian crossing point with a refuge island to facilitate connectivity with the existing footway and a footway to the west to connect with the existing bus stop. The nearest bus stops to the site are located opposite and adjacent to the site frontage and are served by regular services to and from Derby and Ashbourne throughout the day. Derby railway station is accessible via bus.
- 7.50 The TS states that the development could generate 68 vehicle movements during a typical weekday peak hour. This level of additional traffic is considered to be negligible and would not result in a severe impact upon the road network.
- 7.51 Access is not reserved and therefore must be assessed as part of this application. The application proposes a 5.5m wide site access carriageway with 6m kerb radii. A ghost island layout is proposed (for vehicles to turn right into the site). A 2m wide footway would be provided to the western side of the site access carriageway extending to tie into the existing footway at the bus stop to the west. A 2m wide footway would also be provided to the east to an uncontrolled pedestrian crossing point with a 2m wide refuge island located within the ghost island taper. To the west of the ghost island the TS proposes to change the existing national speed limit to 30mph to the west. The relation would be supported by an enhanced village gateway, signage and street lighting. The application proposes 2.4m by 120m visibility splays which can be delivered within adopted highway and / or land within the control of the applicant.
- 7.52 The Highway Authority have been consulted and have provided detailed comments on the submitted application, TS and TP. The Highway Authority advise that the submitted information is insufficient. The Highway Authority state that due to the scale of the development the submitted TS is not suitable and a Transport Assessment (TA) which has a wider reaching appraisal should be submitted. The Highway Authority also raise a number of technical matters outstanding in regard to the proposed access, data underpinning the application and travel plan.
- 7.53 Having visited the site and had regard to the submitted TS, representations and consultation response from the Highway Officer, the application has not provided sufficient evidence to demonstrate that the proposed access would be safe or that the development would not harm highway safety contrary to policies S4 r) and HC19. The agent has been made aware of these issues and is in discussions with the Highway Authority. A further update will be provided at the meeting if further information is submitted.
- 7.54 The site is located approximately 500m from local services within the village and in close proximity to existing bus stops to Ashbourne and Derby. However, access to local services them is via existing narrow footways with multiple crossing points required which are disincentives to walking, particularly for those undertaking escorted education trips. The

Highway Authority recommend that a Walking, Cycling and Horse Riding Assessment (WCHRA) is submitted to review routes and propose interventions where there are limitations to the existing network, including measures to prioritise bicycle access. The County Sustainable Travel Team recommend that the existing bus stops are upgraded in terms of accessibility and infrastructure and connected to the development with appropriate footways and crossing points.

- 7.55 The site is located within walking distance of facilities within the village. However, there are concerns about accessibility and connectivity. Further information is required to inform routes from the site to local services and what measures are required to upgrade routes particularly for walkers and cyclists. This information is required prior to determination to establish routes available and the scope for upgrade works which may need to be secured by planning condition or planning obligation. A revised travel plan is also required taking into account the comments of the Highway Authority.
- 7.56 Therefore, as submitted, insufficient evidence has been submitted to demonstrate that the development can be safely accessed in a sustainable manner contrary to policies S1, S4, HC19 and TMA1.

Impact on amenity of neighbouring properties

- 7.57 The nearest neighbouring residential properties include the recently constructed residential estate to the north, Field Head House and Barn to the north east, and the residential properties along The Green to the east of the site.
- 7.58 The development would result in the erection of up to 100 dwellings and a commercial development on site along with associated gardens, open space, roads, parking, noise, lighting and activity. The development therefore would result in a change to the outlook of neighbouring properties, particularly Field Head House and Barn and the residential properties along The Green to the east of the site. Nevertheless, the submitted indicative drawing shows that it would be possible to achieve a satisfactory relationship and separation distance from all neighbouring properties.
- 7.59 Therefore while the development would affect outlook the development would not materially harm the amenity, privacy or security of any neighbouring property due to overbearing, overlooking or loss of light. The concerns raised in regard to impact on outlook and views are understood, however, it is normal for residential properties to be sited close to each other provided that satisfactory privacy and amenity can be achieved. Impact upon private views are not a material planning consideration.
- 7.60 There is some concern about the potential impact from the proposed commercial development particularly in terms of noise and disturbance. This is because the term 'commercial' set out in the development description is broad and could, for example, include uses falling within class B2 (general industrial), class B8 (storage or distribution, including open air storage) or any number of sui generis that are commercial in nature. Such uses are unlikely to be appropriate within a residential area, particularly one in a rural area. Therefore, if permission were granted it would be necessary to consider whether it was necessary to restrict the use of the commercial element to uses compatible with residential areas, for example, falling within class E.
- 7.61 The development would result in some impact in terms of noise and disturbance during construction. However, this is the case with any development and could be satisfactorily controlled subject to planning conditions to control hours of construction works, construction compound and parking and wheel cleaning facilities.

7.62 Therefore, subject to conditions the development could be accommodated on site without significant harm to the amenity of neighbouring properties or occupants of the development in accordance with policies S1 and PD1.

Sustainable building and climate change

7.63 The application is outline with all matters reserved other than access. Nevertheless, the impact of the development upon climate change fundamentally relates to the principle of the development and therefore should be assessed at this stage.

7.64 Policies S1 and PD7 of the Adopted Derbyshire Dales Local Plan (2017) state that the Council will promote a development strategy that seeks to mitigate the impacts of climate change and respects our environmental limits by: requiring new development to be designed to contribute to achieving national targets to reduce greenhouse emissions by using land-form, layout, building orientation, planting, massing and landscaping to reduce energy consumption; supporting generation of energy from renewable or low-carbon sources; promoting sustainable design and construction techniques, securing energy efficiency through building design; supporting a sustainable pattern of development; water efficiency and sustainable waste management.

7.65 The submitted Planning Statement (PS) addresses mitigating global warming and adapting to climate change. The planning statement does not propose any specific mitigation measures but states that “it is envisaged that the development will incorporate a sustainable approach to energy conservation both through the design and construction process.” The statement says that building envelopes will be designed and constructed to exceed the current building regulations guidance using efficient lighting systems and sustainable sourced materials, wherever practicable. The roofs could be fitted with photovoltaic (PV) panels and the primary heating source could be in the form of ground or air source heat pumps.

7.66 Notwithstanding the concerns raised in regard to scale of development, landscape and visual impact the site is sustainably located in terms of distance from the village and availability of public transport. The application also demonstrates that, subject to a planning condition, the development could be delivered in a manner that would reduce carbon emissions and energy consumption thereby mitigating the impacts of climate change in accordance with policies S1 and PD7.

Flood risk and drainage

7.67 The whole site is located within Flood Zone 1 which is described as land having a less than 1 in 1,000 annual probability of river or sea flooding. The site is therefore at low risk from flooding. The application is for major development and therefore a Flood Risk Assessment (FRA) has been submitted with the application.

7.68 Policies S1 and PD8 are relevant and state that the Council will support development proposals that avoid areas of current or future flood risk and which do not increase the risk of flooding elsewhere. Development will be supported where it is demonstrated that there is no deterioration in ecological status either through pollution of surface or groundwater or indirectly through pollution of surface or groundwater or indirectly through overloading of the sewerage system and wastewater treatment works. New development shall incorporate Sustainable Drainage Measures (SuDS) in accordance with national standards.

7.69 The FRA includes a drainage strategy. This strategy concludes that surface water would be dealt with by discharge into an existing drainage ditch out-falling into Brailsford Brook. Attenuation would be provided via two wet ponds designed to attenuate surface water runoff for all storm events up to and including the 1 in 100 year plus 40% climate change storm

event, plus a 10% consideration for urban creep. The indicative plan shows the proposed ponds along with swales through the site. This is an appropriate means of dealing with surface water from the new impermeable areas created by the development and would potentially contribute positively to biodiversity. The indicative plan shows a swale along the northern boundary of the site.

- 7.70 Foul water would be conveyed via a gravity sewer network which will discharge into a pumping station on the site. The pumping station will then convey flows via a rising main through the site to form a new connection into the public combined sewer network within Painters Lane. Discharge to the main sewer is acceptable in principle and in accordance with Planning Practice Guidance. This would mitigate risk of pollution of the water environment in accordance with policy PD9.
- 7.71 The Environment Agency (EA) and Lead Local Flood Authority (LLFA) have been consulted. The EA raise no objection to the development. The LLFA also raise no objection, subject to the imposition of planning conditions. Seven Trent Water have been consulted on the application but have not provided any comment to date.
- 7.72 The submitted FRA demonstrates that the development would be located within Flood Zone 1 an area of lowest flood risk. The development would be appropriately flood resistant and resilient. Any residual flood risk could be safely managed and safe access and escape routes would be available at all times. Foul water would be to the main sewer. The drainage strategy demonstrates that surface water would be dealt with appropriately by a SuDS scheme. Surface water would be dealt with in accordance with national planning guidance to a surface water body.
- 7.73 Therefore, subject to conditions the application does demonstrate that the development can be accommodated on site in accordance with policies S1 and PD8.

Impact on trees and biodiversity

- 7.74 There are a number of trees and hedges on and adjacent to the site that could be affected by the development. Policies S1 and PD3 state that the Council will seek to protect, manage and where possible enhance the biodiversity and geological resources of the area by ensuring that development will not result in harm to biodiversity or geodiversity interests and by taking account of a hierarchy of protected sites. This will be achieved by conserving designated sites and protected species and encouraging development to include measures to contribute positively to overall biodiversity and ensure that there is a net overall gain to biodiversity. Policy LW1 requires development proposals to integrate into the landscape by prioritising retention of existing features, particularly tree belts, copses and hedgerows and where required replacement planting.
- 7.75 The application is supported by an Ecological Impact Assessment (EclA) and Biodiversity Metric. No tree survey or impact assessment has been submitted with the application.
- 7.76 The only trees on or adjacent to the site that are subject to statutory protection by being within a Conservation Area are those on the eastern boundary of the site. There are no trees subject to Tree Preservation Order (TPO) on the site or close enough to be adversely affected by the proposals.
- 7.77 The Council's Tree and Landscape Officer advises that there are a number of mature trees and hedgerows particularly around the boundary of the site and it is important these are retained, protected and incorporated into the development. It is particularly important to retain and protect from damage larger trees because their diverse contribution to amenity cannot be replaced quickly. The old oak tree in the centre of the site should be regarded as a 'veteran tree' because of its range of ecologically valuable features. It is particularly

important to protect this tree from damage during any development works and successfully integrate it into the development for the long term. This should include provision of more than the minimum distance between tree and development and limiting development in its vicinity to green open space.

- 7.78 The Tree and Landscape Officer advises that an Arboricultural Impact Assessment (AIA) be prepared and submitted prior to determination to inform the development. However, the application is outline with layout a reserved matter. The submitted application does demonstrate that it is possible to achieve a layout which would avoid any significant impact upon trees on or adjacent to the site. However, it is important that if permission is granted that planning conditions be imposed to require this to inform / support any application for reserved matters.
- 7.79 The application site is not close to any statutory conservation sites. All sites are well removed and isolated from the development and therefore there would be no significant adverse impacts upon designated sites either directly or indirectly.
- 7.80 The application demonstrates that there are no features of high nature conservation value or designations at the application site. The development will result in the loss of arable land. Boundary features including hedgerows and trees would largely be retained except for the new access point. Potential impacts on protected species are assessed within the EclA.
- 7.81 Having regard to the advice from Derbyshire Wildlife Trust (DWT) the application has demonstrated that, subject to planning conditions to secure avoidance measures and a Construction and Environment Management Plan (CEMP) it can be carried out in a manner that will not harm designated sites or protected species in accordance with policies S1 and PD3.
- 7.82 The submitted biodiversity net gain assessment concludes that the development will deliver a net gain for habitats and hedgerows on-site of 40% for habitats and 26% for hedgerows. The report together with the indicative plan demonstrates that this is feasible in principle. DWT has requested a copy of the raw biodiversity metric view review. This has been provided and any further comments will be updated at the meeting. If permission is granted a planning condition to secure a Landscape and Biodiversity Enhancement and Management Plan (LBEMP) would be recommended.
- 7.83 Therefore, subject to conditions the application does demonstrate that the development can be accommodated on site in accordance with policies S1 and PD3.

Affordable housing, housing mix and developer contributions

- 7.84 Policy S10 states that suitable arrangements will be put in place to improve infrastructure, services and community facilities, where necessary when considering new development, including providing for health and social care facilities, in particular supporting the proposals that help to deliver the Derbyshire Health and Wellbeing Strategy and other improvements to support local Clinical Commissioning Groups (CCG) and facilitating enhancements to the capacity of education, training and learning establishments throughout the Plan Area.
- 7.85 A health contribution has been sought by the CCG. A contribution of £90,000 is required to enhance capacity / infrastructure in specified local practices, including the existing medical practice in Brailsford. The development will also result in the need for additional primary and Special Educational Needs and Disability (SEND) provision to be provided. The Education Authority has stated that this would amount to £435,973.20 towards the provision of 24 primary places at Brailsford CE Controlled Primary School (and additional education facilities) and £72,762.83 towards SEND places. If permission is granted it will be necessary

to secure these contributions through prior entry into a planning obligation to meet the demands deriving from the development.

- 7.86 In order to address the significant need for affordable housing across the Local Plan area, policy HC4 requires that all residential developments of 11 dwellings or more or with a combined floor space of more than 1000 square metres provide 30% of the net dwellings as affordable housing. The application proposes to meet this policy requirement by providing affordable housing on site. Therefore, all units of affordable housing (up to 30) would be delivered on site, of which 8 would be First Homes in accordance with national planning guidance. This is considered to constitute acceptable provision. If permission is granted a detailed scheme would need to be agreed and secured through prior entry into a planning obligation.
- 7.87 Policy HC11 prescribes a housing mix to meet the Council's housing needs and to create a sustainable, balanced and inclusive communities. Brailsford Neighbourhood Plan policy H1 requires local housing requirements to be met, particularly for 2 and 3 bedroom affordable homes and bungalows. The application proposes that the dwellings will comprise 1, 2, 3 and 4 bedroomed dwellings. The application outline with detailed matters reserved. The application does demonstrate that it would be possible to achieve a suitable housing mix to meet the requirements of the Local Plan and Neighbourhood Plan. If permission is granted a planning condition to secure an appropriate mix would be necessary, with provisions to agree a different mix, where justified.
- 7.88 Policy HC14 requires new residential developments of 11 dwellings or more to provide or contribute towards public open space and sports facilities. Policy GSL1 requires developments to provide for a variety of open spaces sensitive the local landscape. The Adopted Supplementary Planning Document (SPD) on Developer Contributions dated February 2020 supersedes the table in policy HC14 as it is based on the updated study from January 2018. This 2018 study concluded that whilst the quantity and quality of open space and recreation facilities across the District are in most cases sufficient the following deficiencies were identified as likely to occur by 2033
- Parks and Gardens – 2.42ha
 - Natural and semi natural greenspaces – 16.16ha
 - Amenity greenspace – 2.54ha
 - Provision for children and young people – 0.13ha
 - Allotments – 0.45ha
- 7.89 The SPD sets out the provision per dwelling that is required to meet this identified deficiency and the proposal exceeds these requirements. For example, the SPD requirement based on 100 dwellings is 162m² for children's play provision. The SPD has a requirement for parks and gardens which would amount to 974m². In this rural location a natural green space would be appropriate than formal parks and gardens as they would reflect the character of the area and bring biodiversity benefits. The SPD also has a requirement for allotments which would amount to 394m². Allotments would be appropriate on this site in principle, particularly given concerns raised over the loss of the former allotments. However the indicative layout does not show sufficient space on this site for the minimum size recommended in the SPD (0.4ha or 4,000m²). Therefore a contribution based on requirements would equate to £5,910.
- 7.90 The application site includes a sufficient amount of land to deliver appropriate open space provision in accordance with the requirements of policy HC14 and the Developer Contributions SPD (2020) as part of any subsequent approval of reserved matters application. This provision can be secured by planning condition and a contribution for allotments can be secured by prior entry into a planning obligation.

7.91 Therefore, subject to condition and prior entry into a planning obligation to secure affordable housing provision and development contributions for education and allotments the application does demonstrate that the development is in accordance with policies S10, HC4, HC11 and HC14.

The Planning Balance

7.92 The principle of residential development on this site is in accordance with policies S2 and S4 i) of the Adopted Derbyshire Dales Local Plan (2017). However, in this location policy S2 provides for reduced levels of development to safeguard, and where possible, improve the role of the village consistent with maintaining or enhancing key environmental attributes. The scale of the proposed development is substantial relative to Brailsford and the range of services and facilities available.

7.93 The application also proposes a commercial development as part of the development. There is no provision within the development plan for commercial development on the site other than rural employment development in accordance with policies S4 c) and EC1. There is no provision for retail development of the scale proposed which would be significant relative to the current size of Brailsford, existing facilities, services and infrastructure.

7.94 The indicative scale, extent and layout of the proposed development does not respond positively to the character or the significance of this part of the settlement or the setting of Brailsford Conservation Area a designated heritage asset. Furthermore, the development does not present any attributes or enhancements to the setting of the Conservation Area. The indicative layout would reinforce the divorced and separated nature of the proposed development which would be an intrusive encroachment on this side of the village.

7.95 The development will affect the setting of Brailsford Conservation Area and the setting of affected listed buildings wherein including Green Farm (Grade II), Barns South of Green Farm (Grade II), Old Hall Farmhouse (Grade II), The Old Rectory (Grade II) and All Saints Church (Grade I). The development would not conserve the setting of the Conservation Area or affected listed buildings. The development will result in very significant harm to the setting of affected heritage assets contrary to policies PD2 and H1.

7.96 The relationship of the site and affected heritage assets is an important aspect of landscape character. The development would not result in significant harm to landscape character but would therefore not preserve or enhance the character, appearance and local distinctiveness of the landscape contrary to policies S1, S4, PD5 and LW1.

7.97 The application is therefore determined to be contrary to the provisions of the development plan.

7.98 The Council is unable to demonstrate a 5 year housing land supply at this time. The National Planning Policy Framework (NPPF) is a material consideration and paragraph 11 says that in these circumstances the Local Planning Authority should grant planning permission for sustainable development unless:

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

7.99 The Brailsford Neighbourhood Plan was adopted in July 2021 and therefore forms part of the development plan. The neighbourhood plan is less than two years old but does not contain policies and allocations to meet identified housing requirements. Therefore, in

accordance with paragraph 14 of the NPPF any conflict with the neighbourhood plan would not be likely to significantly and demonstrably outweigh the benefits.

7.100 The harm identified to the setting of Brailsford Conservation Area and the setting of affected listed buildings would be less than substantial and therefore in accordance with Paragraph 202 of the NPPF the harm must be weighed against public benefits.

7.101 The development would deliver up to 100 dwellings on the site at a time where the Council is unable to demonstrate a 5 year housing land supply. The development therefore would make a positive contribution to housing delivery. Furthermore, the development would deliver up to 30 affordable homes. The development would provide economic and social benefits during construction and occupation, however these benefits would not be exceptional and to a large degree would be commensurate with any residential development.

7.102 The development would result in enhancement to biodiversity on site in excess of policy requirements. However, at the same time the development would result in the loss of Grade 2 agricultural land (very good quality agricultural land). Policies in the NPPF seek to secure biodiversity net gain while offering protection for the best and most versatile (BMV) agricultural land. This is considered to be a neutral consideration neither for nor against the development. The consequential loss of allotments is unfortunate and also a negative of the development given the need for this type of community space within the district, notwithstanding the need for an off-site contribution identified which could be secured through legal agreement.

7.103 The scale of the proposed development, visual and landscape impact and harm to the setting of the Conservation Area and affected listed buildings would be very significant. In determining this application the Local Planning Authority is obliged to give great weight to and have special regard to the desirability of preserving the Conservation Area, listed buildings and their setting. In that context, it is considered that the harm identified would not be outweighed by public benefits and therefore the presumption in favor of sustainable development set out by paragraph 11 of the NPPF does not apply. Notwithstanding this clear reason for refusal (in NPPF terms) it is considered that the adverse impacts identified about would significantly and demonstrably outweigh the benefits of the development.

7.104 The application is therefore recommended for refusal.

8.0 RECOMMENDATION

That the application be refused for the following reasons:

1. The development would significantly harm the setting of the designated Brailsford Conservation Area and the setting of Green Farm (Grade II listed), Barns South of Green Farm (Grade II listed), Old Hall Farmhouse (Grade II listed), The Old Rectory (Grade II listed) and All Saints Church (Grade I listed) contrary to policies S1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017) and policy H1 of the Adopted Brailsford Parish Neighbourhood Plan (2021). The public benefits arising from the development would not outweigh this harm and therefore the development is contrary to the National Planning Policy Framework (2021).
2. The development would be of a substantial scale relative to the village and have an adverse visual and landscape impact and harm the character and appearance of the area contrary to policies S1, S4, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017) and policies H1 and LW1 of the Adopted Brailsford Parish Neighbourhood Plan (2021) and the National Planning Policy Framework.

3. Insufficient information has been submitted to demonstrate that access to the site will be capable of serving the development without having detrimental impacts on highway safety and that the development will satisfactorily minimise the need to travel by unsustainable means contrary to policies S1, S4 and HC19 of the Adopted Derbyshire Dales Local Plan (2017) and policy TMA1 of the Adopted Brailsford Parish Neighbourhood Plan (2021) and the National Planning Policy Framework.
4. Insufficient evidence has been submitted to assess potential impacts of the development upon archaeological significance contrary to policy PD2 Adopted Derbyshire Dales Local Plan (2017) and the National Planning Policy Framework.

9.0 NOTES TO APPLICANT:

The Local Planning Authority has met and discussed the merits of the application with the applicant during the course of the application. There was no prospect of resolving the fundamental planning problems with the application through negotiation. On this basis the requirement to engage in a positive and proactive manner was considered to be best served by the Local Planning Authority issuing a decision on the application within the agreed extension of time and thereby allowing the applicant to exercise their right to appeal.

This decision relates solely to the application form and the following plans and documents:

Indicative Master Plan (received 24.02.2023)
Site Location Plan – Ref 3811-001 Rev B
Green Infrastructure Plan – Ref 3811
Heritage Plan – Ref 3811-003
Character Area Plan – Ref 3811-004
Road Layout Plan – Ref 3811-005
Proposed Site Access Layout – Ref ADC1294-DR-002 Rev P1
Planning Statement – 3811_PS_V2
Heritage, Design and Access Statement – 3811_HDAS_V2
Landscape and Visual Appraisal Rev B
Residential Travel Plan – ADC1294-RP-C
Transport Statement – ADC1294-RP-B
Flood Risk Assessment and Drainage Strategy – ADC1294-RP-C-v3
Ecological Impact Assessment (Low Impact EclA) – RSE_6168_R1_V1
Biodiversity Metric 3.1 Calculation Tool