

Planning Committee 14th March 2023

APPLICATION NUMBER		23/00038/OUT	
SITE ADDRESS:		Land adjacent Biggin View, Dog Lane, Hulland Ward	
DESCRIPTION OF DEVELOPMENT		Outline planning consent for the erection of up to 15no. dwellinghouses and associated garaging with approval being sought for access	
CASE OFFICER	Sarah Arbon	APPLICANT	John Yates
PARISH/TOWN	Biggin By Hulland	AGENT	JMI Planning
WARD MEMBER(S)	Cllr Richard Bright	DETERMINATION TARGET	14 th April 2023
REASON FOR DETERMINATION BY COMMITTEE	Major application	REASON FOR SITE VISIT (IF APPLICABLE)	To consider the amended access arrangement.

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

RECOMMENDATION
<p>That authority be delegated to the Development Manager or Principal Planning Officer to grant planning permission, subject to conditions upon completion of a s106 legal agreement to secure 30% of the dwellings as affordable units on-site (with any residual amount (i.e. less than 1 unit) provided as an offsite financial contribution.</p>

1.0 THE SITE AND SURROUNDINGS

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

2.0 DETAILS OF THE APPLICATION

- 2.1 This is a re-submission of an outline application for 15 dwellings following the refusal of a similar proposal at planning committee on the 13th September 2022 for the following reason:-

“The development would be served by an access, which due to its close proximity to existing housing, width and lack of dedicated footways would present access difficulties, lead to pedestrian and vehicular conflict and would not provide a safe means of access by foot, thereby leading to danger and inconvenience to highway users contrary to the requirements of Policies S4 and HC19 of the Adopted Derbyshire Dales Local Plan (2017)”.
- 2.2 The applicant has lodged an appeal to the Planning Inspectorate against this decision, which is currently pending consideration. This application seeks the same development with changes to the site access. Access would be via the existing Cameron Homes development off the A517 via the internal estates roads of Biggin View and George Rogers Close and the internal private drive to the front of plots 11, 12, 13, 14 and 23. A Technical Access Note has been submitted with this application which includes the provision of a kerb build out along the frontage of the bay window at No.23 creating a one-way priority arrangement for vehicular access. A swept path analysis has been provided to evidence that a large refuse vehicle and large car can access the development without conflict and with acceptable clearance between the carriageway and existing housing, whilst leaving suitable space for pedestrian movements. The report states that the proposed access carriageway would be positioned 0.5m from the existing bay window at No.23 and the vehicle track of a large car would be around 1m from the window.
- 2.3 Two plans within this Technical Access Note provide two options for the access to the site (Plan no's ADC3090-DR- 003 P1 and ADC3090-DR- 004 P1). The first shows the existing arrangement proposed as part of the previous application with a 5.5m wide carriageway with

a section of 12m of road that pedestrians and vehicles would share the same surface before joining the 2m wide footway within the development. Option 2 proposes a 2m kerb build out that would narrow the carriageway to 4m surrounding the bay window or plot 23. The 12m section of shared surface would remain on this proposal.

- 2.3 Due to the fact that the site is accessed from the existing development via a private drive the internal access cannot be adopted due to the location of the existing plot 23 being close up to the road without the 2m footway. In the previous application the agent was made aware of the conveyance plan of plot 23 and amended the proposed layout to accord with the approved and built development on the adjacent land. Notice has been served on all the relevant landowners that include 21, 23 and 25 George Roger's Close.
- 2.4 An indicative plan shows 15 dwellings with the access road curving to the north slightly and creating a turning head to the west linking to the driveway to plot 11 to the North West and a smaller private drive for plots 1, 2, and 7 in the southern corner of the site. The applicant indicates that the development will comprise a mixture of 3, 4 and 5 bedroomed homes.



3 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1. Adopted Derbyshire Dales Local Plan 2017
S1 Sustainable Development Principles
S2 Settlement Hierarchy
S4 Development within the Countryside
S9 Rural Parishes Development Strategy
PD1 Design and Place Making
PD2 Protecting the Historic Environment
PD3 Biodiversity and the Natural Environment
PD5 Landscape Character
PD6 Trees, Hedgerows and Woodlands
PD7 Climate Change
PD8 Flood Risk Management and Water Quality
PD9 Pollution Control and Unstable Land

HC4 Affordable Housing Provision
HC11 Housing Mix and Type
HC14 Open Space, Sports and Recreation Facilities
HC17 Promoting Sport, Leisure and Recreation
HC19 Accessibility and Transport
HC20 Managing Travel Demand
HC21 Car Parking Standards.

3.2. Other:

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

4.0 RELEVANT PLANNING HISTORY:

None

5.0 CONSULTATION RESPONSES

Hulland Ward Parish Council

- 5.1 Hulland Ward Parish Council vigorously rejects the proposals for the following reasons:
- a) The application calls for development of a green field site which is also outside the Derbyshire Dales Local Plan.
 - b) With 101 houses already built (or in the process of being built) Hulland Ward has more than satisfied the requirement of the Local Plan, which requires 99 houses until 2033
 - c) The proposed access road to the proposed 15 house development is a single-track road over private ground which has already been rejected for being unsafe, unadopted and unprofessional.
 - d) the proposed application is adjacent to the only designated heritage asset in the Hulland Ward area, which is Christ Church, and would impinge on the integrity of that building and its surroundings.

Biggin Parish Council

- 5.2 Object for the following reasons:-

1. The greenfield site of this planning application is in Biggin Parish and is outside the local plan and it is classed as countryside and no development is permitted.
2. The development proposed would encroach on dog lane where the village hall and the historic Hulland Church which is a listed building sits.
3. It would dominate and harm the appearance of the area and the Church.
4. The present developments next to this proposed development are already highly visible from the road and the junction turning on to dog lane.
5. Increased traffic is already high in the area and the country lanes are not suited to further traffic.
6. New housing developments previously granted planning and built in this area have already exceeded the amount called for in the local plan.
7. These developments have already caused harm to the character and appearance of the countryside and local area where Hulland ward meets Biggin Parish.
8. These developments have encroached into Biggin Parish.
9. They do not blend in with the existing Hulland ward estate and certainly do not blend in with Biggin landscape and historic buildings.
10. Excessive windows on these properties have caused extreme light pollution and reflection in the area.

11. The heights of these buildings possibly due to the unsuitability of the lay of the land being sloped make them stand out and intimidate the valley below and also the existing residents on the Hulland ward estate.
12. Allowing this application would only escalate this problem we are already faced with.
13. Building on this land which is sloped is not suitable and problems with previous developments land adjacent have come to light. Retaining walls have been built to a high level with movement occurring further strengthening of these have had to be constructed.
14. This creates not only a concern for the future and development stability but creates high buildings that stand out not blending in with the original estate development.
15. The skyline view from Biggin is spoilt by these buildings and the light pollution is devastating making an urban industrial environment opposed to the once rural environment it was.
16. The entrance proposed to the new development for private vehicles/emergencies/council refuse lorries/deliveries/removal vans etc. access is via the previous development on land previously sold for development by the applicant.
17. It appears to be an afterthought as the land where the access is privately owned by residents with access only for the land owner by a singular farming vehicle.
18. The property's are close to this proposed access and pedestrian access by residents is safe along with children of those family who can play safely, however this would not be possible if access allowed.
19. Biggin Parish is an historical farming hamlet set in open countryside and is to be protected from development harming the appearance of the open countryside.
20. Biggin parish is not in the local plan and is banded as countryside not to be developed in and the land where this planning application proposed is part of the Biggin parish and therefore this application should be refused.

Highway Authority:

- 5.3 This application is identical in quantum to application 22/00008 which was recently determined and is now subject to a planning appeal. The current application has been submitted with an access technical note prepared by ADC Infrastructure. In the previous application Derbyshire County Council in its role as the Highway Authority noted the absence of the footway resulted in the scheme not aligning with the prevailing design guide, but equally was not sufficient to warrant refusal, just its future status remaining private.

This application proposes 15 dwellings and is submitted in outline with all matters reserved apart from access. Vehicle access is proposed over the existing private driveway which is 5.5m wide, a separate pedestrian access is provided onto the A517. The indicative internal layout shows a traditional street layout with carriageway and 2 footways, with the footways terminating before existing private drive which provides vehicle access. The location plan which shows the "red line" boundary only includes the carriageway and private drive in Biggin View.

The submitted technical note presents the argument that the drive would operate as a shared surface and the trip generation is not sufficiently large to result in conflict based in nationally recognised guidance in Manual for Streets. It also provides an alternative design which narrows the private drive adjacent to the existing dwellings bay window. A swept path analysis is provided for both access options, but the final design would be a matter for a future reserved matters submission.

The prevailing Highway Design guide is the "Delivering Streets and Places" guide produced in 2017, this provide guidance on what street dimensions would be needed and what exceptions might exist. It recommends an overall corridor width of 7.5m, but equally acknowledges that variations can be accepted subject to tracking. In the case of this application a maximum width of 5.5m can be provided, this would be a departure from the

published guidance, but tracking is provided. It should be noted that despite the shared space option there is a separate pedestrian access proposed which gives an alternative option which is car free, also the 5.5m does provide sufficient space for a vehicle and cyclist or pedestrian to pass without conflict. The length of the 5.5m private drive is relatively short and clearly would have a low design speed.

It is the conclusion of the Highway Authority that the available width and geometry would result in a conflict with the locally adopted street design guidance, but due to the swept path analysis, available street widths, alternative pedestrian facilities and being mindful of national guidance, that there are no safety or capacity harms arising and as such the proposal does not conflict with paragraph 111 of the NPPF. The matter of future dedication is not a planning consideration, and the design of the development, at the reserved matters stage, would inform that decision, but it would appear unlikely that an adoptable layout could be achieved, however this is not an impediment to the implementation of the development. It is recommended that conditions be included in any decision notice to secure the vehicle and pedestrian access points, require bicycle parking detail to be provided and a welcome pack to advise future residents of sustainable transport options.

Environmental Health:

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

Lead Local Flood Authority:

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

Education Authority (DDC):

- 5.6 The proposed development falls within and directly relates to the normal area of Hullah CE Primary School. The proposed development of 15 dwellings would generate the need to provide for an additional 2 infant and 2 junior pupils. Hullah CE Primary School has a net capacity for 84 pupils, with 60 pupils currently on roll. The number of pupils on roll is projected to increase during the next five years to 72. An evaluation of recently approved major residential developments within the normal area of Hullah CE Primary School shows no new developments in additional dwellings, which amounts to no additional primary level pupils. Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area primary school would have sufficient capacity to accommodate the 2 infant and 2 junior pupils arising from the proposed development.

The proposed development falls within and directly relates to the normal area of Queen Elizabeth Grammar School. The proposed development of 15 dwellings would generate the need to provide for an additional 3 secondary pupils. Queen Elizabeth 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 Grammar School shows new development totalling 428 dwellings, amounting to an additional 120 secondary 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 3 secondary pupils arising from the proposed development.

The above analysis indicates that there would be no 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 no financial contributions. The above is based on current demographics which can change over time and therefore the County Council would wish to be consulted on any amendments to a planning application or further applications for this site.

NHS Commissioning Group

- 5.7 They have not responded to consultation, however, on the previous 22/00008/OUT application they stated that no S106 contributions were required as the development falls under their threshold.

Director of Housing (DDDC)

- 5.8 It is assumed that 25% (one house) of the affordable housing would be first homes. It is recommended that the further 3 affordable homes are delivered through a registered provider, all being for social rent. The mix of homes should be as follows:-
2 x 1 bed 2 person house
1 x 2 bed 4 person house

The above mix reflects the fact that 50% of the Council's housing register comprises of single people. In addition previous affordable schemes in the village have either been older persons bungalows or 2+ family homes. Given the relative size and construction cost of these 3 homes, the properties should easily meet the Nationally Described Standards for two property types. A two storey 1 bed house should achieve 58m² and a 2 bed 4 person house should achieve 79m².

Archaeologist (DDC)

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

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

Tree and Landscape Officer (DDDC)

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

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

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

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

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

Derbyshire Wildlife Trust

- 5.11 Whilst the Trust have not yet responded to consultation on this application, the Ecology information submitted is identical to the 22/00008/OUT application. In their previous consultation they reviewed the Ecological Impact Assessment prepared by Ramm Sanderson Ecology Ltd November 2021 submitted and checked their biodiversity datasets and mapping. They are not aware of any statutory or non-statutory designated sites or the presence of any species or habitats of principal importance (UK BAP Priority species/habitats).

The ecological assessment has identified the following habitats:

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

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

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

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

5.12 Environment Agency

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

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

Derbyshire Force Designing Out Crime Officer

5.13 There is a footpath shown on the indicative site plan which runs from within the site, between the backs of gardens and emerges at the junction of Dog Lane and the A517. This route compromises security for the backs of associated housing, as is not overlooked for the majority of its route, and consequently would not be considered as viable from a community safety perspective. It is understood that the indicative plan is the same as proposed for refused application 22/00008, now under appeal. If either outline application is subsequently approved the future detail of this enclosed path should be removed and safer alternatives found.

6.0 REPRESENTATIONS RECEIVED

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

- a) The proposal still includes an unsafe access route.
- b) The new proposal is not any safer as there is no pedestrian walkway, narrowness of the road and close proximity to houses.
- c) The development will bring extra site traffic to an already busy main road.
- d) Hulland Ward has fulfilled and exceeded its quota for new build houses.
- e) There are a number of unsold properties in the area indicating an oversupply.
- f) A length of 12m of road with no pedestrian walkways is dangerous.
- g) The proposed access would be less than 1m from 27 George Rodgers Close.
- h) The existing dwellings are family houses with small children that will be directly affected by increased traffic especially during construction.
- i) A notice 1 has been served on the owner of 21 Georges Rodgers Close as they have freehold interest in the proposed access and object as the proposal would use their shared driveway for access to the development.
- j) Any right of access should be reasonable and considerate to adjoining residents safety and the one proposed is not.
- k) The shared driveway is not sufficient for the highways authority to adopt and is too narrow to accommodate safe pedestrian and disabled access.
- l) The shared driveway has not been constructed to withstand HGVs.
- m) The proposed access route is unchanged in dimensions or construction that was deemed unsuitable by councillors at planning committee.
- n) The driveway was only intended for the 3 dwellings served by it as it is narrow with no raised footpaths or curbs.
- o) The proposed chicane would narrow the road even more and would create a bottleneck outside their property (No. 25 George Rodgers Close).
- p) There is concern for the safety of their children with the increased traffic to the front of their property.
- q) In icy conditions vehicles could hit the window of No.23 as it is so close to the road.
- r) As a freeholder of the private drive, although we must legally grant right of access to the current landowner, we are under no obligation to allow any changes to the structure or layout of our private driveway. I wish to make it clear that we would not consent to the proposed changes to the structure/ layout of our privately owned driveway.
- s) The 'Access Technical Note' refers to the private drive becoming a shared surface.

- t) Item 10 of the report has omitted the full section 7.2.14 from Manual for Streets in relation to making suitable provision for disabled people.
- u) Section 8 and 9 of the document states that “pedestrians and vehicles share road space for 12m before pedestrians re-join the proposed footway within the development site”.
- v) There is no protected pedestrian access for the occupants of plot 23 contrary to MfS sections 7.2.13, 7.2.10 and 7.2.12.
- w) The proposed kerb alongside the bay windows of plot 23 attempts to deal with the closeness of the window to the road (0.5m), however, it will simply reduce the width of the road to single access creating more of a conflict between cars and pedestrians and will reduce the space for existing residents to manoeuvre.
- x) The use of this access road during construction would be intolerable and dangerous.
- y) The application suggest the private drive is 5.5m, however, it is 5.4m in width at its eastern edge and 5.1m at its western edge with only 600mm total clearance between vehicles and footpaths.
- z) With no kerbs in icy weather vehicles could hit pedestrians or houses.
- aa) The plans submitted do not correlate with the conveyance plans for plot 23 as the road curves and is not straight.
- bb) The submitted report offers no solution to vehicle and pedestrian conflict.
- cc) The vehicle measurements on the plan do not include mirrors and differ from MfS.
- dd) Hulland Ward and Biggin have endured a significant level of new home development in recent years, and further sites are under construction (Wheeldon Way 39 homes, Eaton Farmhouse 3 homes). The target set by the local plan has been exceeded.
- ee) There are ancient hedgerows and a Ash tree on the site with the site supporting wildlife ad landscape biodiversity.
- ff) The site is unsustainable as Hulland Ward does not have sufficient services.
- gg) There have been 2 serious accidents on Dog Lane and increased traffic in the area is not wanted.
- hh) Existing residents may park in front of their properties which would reduce access.
- ii) The increase in use of the access onto Biggin View would be dangerous.

7.0 OFFICER APPRAISAL

- 7.1 This application seeks outline permission for up to 15 dwellings on the site, with all matters other than access reserved for subsequent approval.
- 7.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission under the Act are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the purposes of the Act is the Adopted Derbyshire Dales Local Plan (2017). The National Planning Policy Framework (2021) is a material consideration in respect of this application.
- 7.3 The Council is unable to demonstrate a 5 year housing land supply at this time and the tilted balance in favour of the development is engaged by virtue of Para 11d) of the National Planning Policy Framework (2021).
- 7.4 As part of the consideration of future housing needs and the Council’s aspirations for growth and economic recovery, a call for sites as part of the Strategic Housing Land Availability Assessment process was undertaken between 26th May and 7th July 2021. The application site was put forward as part of this exercise. The assessment of the site, in terms of its deliverability is considered in the issues section of this report.
- 7.5 Having regard to the above, consultation responses and representations received and the relevant provisions of the development plan and guidance contained within the National Planning Policy Framework, the main issues to assess are:
 - Suitability of the location

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

Suitability of Location

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

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

- 7.8 A key consideration in respect of this application is the impact of the development on the local landscape and character, identity and setting of the existing settlement. Policy S1 of the Adopted Derbyshire Dales Local Plan (2017) advises that development will conserve and where possible enhance the natural and historic environment, including settlements within the plan area.
- 7.9 Policy PD1 requires all development to be of high quality design that respects the character, identity and context of the Derbyshire Dales townscapes and landscapes.
- 7.10 Policy PD5 deals specifically with landscape character and advises that development that would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement will be resisted.
- 7.11 In considering the suitability of the site for development as part of the local plan review call for sites exercise, the County Council Landscape Officer commented that the site is a single field enclosed by mature hedgerows and abutting new residential development to the south-east off Biggin Way. It was acknowledged that the site is visually contained by residential properties to the south and east and boundary vegetation.
- 7.12 Although the comments of the Parish Council relating to the impact on the Biggin landscape and those making representations are noted, the applicant has prepared a series of viewpoints from the main receptors, having agreed these with the Councils Trees and Landscape Officer. Having regard to the visibility of the site, the amount of development and

its relationship with existing development it is not considered that a development of up to 15 dwellings on the site, subject to careful consideration of the layout, scale and appearance of the development (which are all reserved matters) would result in harm to the local landscape or character and identity of this part of the settlement. The development would be well related to existing development and contained by existing landscape features and as indicated by the Trees and Landscape Officer development of the site presents the opportunity to create a more natural edge to the settlement. It will be necessary as part of any future approval of reserved matters application to retain and supplement existing landscaping to safeguard the setting of the settlement and the local landscape.

Impact on Heritage

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

Highway considerations

- 7.15 Development plan policies require that the access serving a development is safe and the highway network can satisfactorily accommodate traffic generated by the development or can be improved as part of the development. In the previous application the committee considered that safe access could not be achieved, however, this application provides a "Technical Access Note" with two plans showing options which need to be considered.
- 7.16 The application seeks the approval of the access, which comprises a continuation of an estate road serving the Biggin View development, which does not include a sufficient margin for a footway fronting existing plot no. 23. The Highways Authority has reviewed the submitted 'Technical Access Note' against the Manual for Streets and Highways Design Guide "Delivering Streets and Places" and considers that the tracking details for the 5.5m width provides sufficient evidence that a vehicle and cyclist or pedestrian are able to pass without conflict. Furthermore, it should be noted that despite the shared space option there is a separate pedestrian access proposed which gives an alternative option which is car free. A swept path analysis is provided for both access options.
- 3.2 Planning Committee Members, having visited the site on the 12th September noted that the site access was constrained to the extent that access to the development would be impeded by vehicles parked on the road outside of the dwellings to plots 11-13 and the bay window to plot 23 being open. With no continuous dedicated footpath and a constrained access and without any ability to control on street parking and the opening of windows it was not considered that the access serving new development would be safe or promote choice of transport and in this respect it was not considered that the highway network could satisfactorily accommodate traffic generated by the development to satisfy policy requirements. Although additional vehicle tracking plans have been submitted for the original access option, this was not considered to be previously acceptable by members due

to the situation on the ground. This option does not appear to consider a scenario where the bay windows to plot 23 are open and the constraining effect this has on the highway width. To address members concerns, an alternative option has been presented, which proposes a narrowing of the road to 4m with a build out to ensure that access by a car and HGV can be maintained at all times. This is considered to be satisfy the requirements of Policy HC19 of the Adopted Derbyshire Dales Local Plan (2017) and would address member concerns in this respect.

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

Flood risk and drainage

- 7.18 Adopted Local Plan Policy PD8 directs new development away from areas of current or future flood risk and states that the development should not increase the risk of flooding elsewhere. The whole of the application site lies within Flood Zone 1 which is described as land having a less than 1 in 1,000 annual probability of river or sea flooding. The site is therefore at low risk from flooding.
- 7.19 A Flood Risk Assessment (FRA) has been submitted in support of the application in accordance with the requirements of the National Planning Policy Framework. A drainage strategy has also been submitted which includes an indicative Sustainable Urban Drainage Scheme (SuDS) showing the installation of permeable pavement features and a flow control chamber discharging to a headwall to the existing pond to the north east of the site.
- 7.20 The report states that the a SuDS scheme would be capable of satisfactorily managing surface runoff without increasing the flood risk to other people while providing multiple benefits with respect to the sustainable management of surface water runoff. The report makes a number of recommendations in regard to flood risk mitigation and drainage provision including finished floor levels, provision and maintenance of a SuDS scheme. Foul drainage would be to the main sewer.
- 7.21 The Environment Agency raise no objection to the development because the site is within Flood Zone 1 and advises that foul drainage should be to the main sewer as proposed. The Lead Local Flood Authority have requested confirmation on a number of points including whether the land owner would permit discharge of surface water into the pond, the capacity of the pond and where it discharges. The applicant has provided this information and we await a further response from the Lead Local Flood Authority which will be provided at the meeting.
- 7.22 The application demonstrates that the development would not be at risk of flooding and subject to planning conditions to secure the approval, implementation and maintenance of an appropriate SuDS scheme and finished floor levels that the development would not increase the risk of flooding elsewhere. Foul drainage would be to the main sewer which is acceptable. The application is therefore in accordance with Policy PD8 and National Planning Practice Guidance.

Residential amenity impacts

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

- 7.24 The submitted indicative layout shows that there is sufficient space within the site for a development of this scale to be accommodated with sufficient separation distances from proposed dwellings to the existing residential properties to the south east of the site. The development would not be overbearing or lead to any significant loss of light or privacy to any neighbouring property. The plans also show that the proposed dwellings would be provided with a high standard of amenity space.
- 7.25 The development would be accessed through the residential development to the south east which would be acceptable in principle. Additional vehicle traffic would not harm the amenity of occupants of existing properties. There may be additional vehicle traffic and disturbance during construction, however this would be for a limited period and would not constitute a reason for refusal of planning permission subject to appropriate working hours.
- 7.26 The development would therefore provide occupants a high standard of amenity and conserve the amenity, security and privacy of occupants of neighbouring properties and the living environment of the local community in accordance with policy S1 and PD1.

Impact on trees, biodiversity and wildlife

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

Developer contributions and housing mix

- 7.31 Policy S10 advises that suitable arrangements will be put in place to improve infrastructure, services and community facilities, where necessary when considering new development, including providing for health and social care facilities, in particular supporting the proposals that help to deliver the Derbyshire Health and Wellbeing Strategy and other improvements

to support local Clinical Commissioning Groups (CCG) and facilitating enhancements to the capacity of education, training and learning establishments throughout the Plan Area.

7.32 No health contribution has been sought by the CCG in this case, as the development falls below their threshold for seeking a contribution. The Education Authority re-assessed the application and whilst previously they identified that a contribution towards the provision of 3 secondary and 1 post 16 places at Queen Elizabeth's Grammar School and additional education facilities was required, it is now considered that the school would have sufficient capacity to accommodate the additional pupils derived from this development and as such no contribution is required.

7.33 In order to address the significant need for affordable housing across the Plan area, all residential developments of 11 dwellings or more or with a combined floorspace of more than 1000 square metres should provide 30% of the net dwellings proposed as affordable housing. The applicant agrees to make such provision, which is supported by the District Council's Housing Team. It is anticipated that 4 units would be delivered on site and 0.5 of a unit delivered in the form of an off-site financial contribution (applying the formula contained in the Developer Contributions SPD (2020)). One of the affordable houses would be a first home in order to comply with the 25% national requirement and the further 3 affordable homes should be delivered through a registered provider, all being for social rent with a mix of homes as follows:-

2 x 1 bed 2 person house
1 x 2 bed 4 person house

The scheme shall be agree with the District Council as part of the requirements of the s106 to satisfy the relevant provisions of the development plan and national guidance.

7.34 Policy HC11 of the Adopted Derbyshire Dales Local Plan prescribes a housing mix to meet the District Councils housing needs and to create a sustainable, balanced and inclusive communities. The applicant proposes that the dwellings will comprise 3, 4 and 5 bed roomed dwellings. Without justification this would not constitute an acceptable mix, being skewed towards the larger house types. A condition to secure a mix which conforms to the requirements set out in Policy HC11 is necessary in this case, with provisions to agree a different mix where justified.

7.35 The application does not make provision to help mitigate the effects of or adapt to climate change. A condition is recommended to ensure that measures are included as part of any subsequent approval of reserved matters application.

7.36 The application site includes a sufficient amount of land to deliver appropriate open space provision in accordance with the requirements of the Developer Contributions SPD (2020) as part of any subsequent approval of reserved matters application.

The Planning Balance

7.37 The development plan makes provision for new housing development on the edge of tier 1 – 3 settlements in circumstances where the District Council is unable to demonstrate a five year supply of housing land. Paragraph 11 d) of the NPPF advises that decisions should apply a presumption in favour of sustainable development and grant permission unless the application of policies in the framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole.

7.38 Having regard to this, the consultation responses and representations received and the relevant provisions of the development plan and guidance contained within the NPPF it is clear from the consideration of the main issues that the development should be approved as, subject to careful consideration of the reserved matters, there would be no significant adverse impacts or technical reasons to refuse planning permission that would significantly and demonstrably outweigh the benefits arising from the provision of market and affordable housing. Technical matters and compliance with development plan policies and national guidance can be controlled through the use of conditions and a S106 legal agreement. A recommendation of approval is put forward on this basis. A condition is recommended to secure the narrowing of the highway and kerb build out to address members concerns in respect of the original application.

8.0 RECOMMENDATION

That authority be delegated to the Development Manager or Principal Planning Officer to grant planning permission, subject to the following conditions upon completion of a s106 legal agreement to secure 30% of the dwellings as affordable units on-site (with any residual amount (i.e. less than 1 unit) provided as an offsite financial contribution.

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

Reason:

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

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

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

Reason:

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

3. This permission relates solely to the application plan no's 01001 P2, 1001 P3 and 04001 P1 received by the Local Planning Authority on the 13th January 2023.

Reason:

For the avoidance of doubt

4. As part of any approval of reserved matters application concerning layout a surface water drainage scheme, to manage surface water run-off from the development (including climate

change requirements) shall be submitted to and approved in writing by the local planning authority. The scheme shall also include:

- Appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

8. Any approval of reserved matters application relating to the layout of the development shall include:
 - a) A tree survey - the results of a tree survey (according to sections 4.4 and 4.5 BS 5837:2012) to include all existing trees on and within 15m of the site.
 - b) Tree constraints plans – every surveyed tree should have its location, category grading (section 4.5 BS 5837 (2012)), canopy spread and root protection area (section 4.6 BS 5837 (2012)) plotted onto two accurate site survey plans; the first should show the site as existing and the second should show the site as proposed.

- c) An arboricultural impact assessment – according to section 5.4 BS 5837 (2012) which should present an evaluation of the impact of the proposals on the existing trees.
- d) Tree removals plan – every surveyed tree should have its location, category grading, canopy spread and root protection areas (section 4.6 BS 5837 (2012)) plotted onto an accurate site survey plan showing the proposed site. The trees which will need to be removed to facilitate the proposals should be indicated using different symbols to the trees for retention.

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

- 12. Any approval of reserved matters application relating to landscaping shall be accompanied by a Biodiversity Metric Assessment which demonstrates a net biodiversity gain across the site, appropriate habitat creation and enhancement and details of future maintenance and

management. The development shall thereafter be carried out in accordance with the approved details.

Reason:

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

13. Any approval of reserved matters application relating to landscaping and layout shall, unless otherwise agreed in writing by the Local Planning Authority, make provision for the retention and enhancement of existing boundary trees and vegetation to provide a suitable buffer between the development and surrounding countryside to the north and Dog Lane.

Reason:

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

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

Reason:

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

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

Reason:

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

- 16 No dwelling shall be constructed until drawings of the site access works comprising vehicle access from Biggin View and Pedestrian access onto the A517 have been submitted to and approved in writing by the Local Planning Authority. The development and access shall thereafter be provided in accordance with the approved details prior to occupation of any dwelling.

Reason:

To ensure the safe and free flow of traffic onto the highway in accordance with Policy HC19 of the Adopted Derbyshire Dales Local Plan (2017).

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

Reason:

To promote sustainable travel and healthy communities in accordance with Policy HC19 of the Adopted Derbyshire Dales Local Plan (2017).

18. No dwelling hereby approved shall not be occupied until the applicant has submitted to and had approval in writing from the Local Planning Authority a residential welcome pack promoting sustainable forms of access to the development. The pack shall be provided to each resident at the point of the first occupation of the dwelling.

Reason:

To reduce vehicle movements and promote sustainable access in accordance with Policy HC19 of the Adopted Derbyshire Dales Local Plan (2017).

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

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

Reason:

In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development in accordance with Policy HC19 of the Adopted Derbyshire Dales Local Plan (2017).

21. No dwelling hereby approved shall be occupied until the access to serve the development has been laid out, in full, in accordance with drawing numbered ADC3090-DR-004 P1 set out in the Technical Access Note and is made available to all future residents.

Reason:

To ensure a safe means of access and encourage sustainable travel in accordance with Policy HC19 of the Adopted Derbyshire Dales Local Plan (2017).

9.0 NOTES TO APPLICANT:

The Local Planning Authority prior to the submission of the application engaged in a positive and proactive dialogue with the applicant in relation to the committee resolution and subsequent appeal for the previous 22/00008/OUT application.

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

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

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

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

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

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

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

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

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

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

Further advice is available at: <https://www.gov.uk/permits-you-need-for-septic-tanks> and

This Decision Notice relates solely to the application plans and documents:-

Plan no. 1001 P3

Plan no. 01001 P2

Plan No's 01005 P2 and 04001 P1

Access Technical Note ADC3090-RP-B including plans ADC3090-DR-003 P1 and 004 P1

Design and Access Statement Rev A dated 21st December 2021

Planning and Heritage Statement by JMI Planning

Flood Risk Assessment by RAB dated 21st November 2021

Ecological Impact Assessment by RammSanderson dated November 2021

Geophysical Survey by Archaeological; Research Services dated June 2022

Key to viewpoints and Viewpoint photos 1 -7