

APPLICATION NUMBER		22/01190/FUL	
SITE ADDRESS:		Land north east of Tansley House Gardens, Tansley, DE4 5HQ	
DESCRIPTION OF DEVELOPMENT		Erection of 47 no. dwellinghouses with garages and associated infrastructure and landscaping	
CASE OFFICER	Sarah Arbon	APPLICANT	Stancliffe Homes Ltd
PARISH/TOWN	Tansley	AGENT	Paul Bedwell Town Planning
WARD MEMBER(S)	Cllr P Cruise Cllr D Hughes Cllr S Flitter	DETERMINATION TARGET	6 th February 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"> - Suitability of the location - The effect of the proposal on the character and identity of the settlement and the local landscape - 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</p> <ul style="list-style-type: none"> • 25% First Homes (4 dwellings) to be delivered on site • 15% Shared Ownership (2 dwellings) to be delivered on site • 60% Social Rented Homes (8 dwellings) to be delivered off-site. This will be secured through a financial contribution to the Council of £365,168. • Education Contribution of £336,396.84 towards the provision of 12 secondary with post16 places at Highfields School and additional education facilities. • An off-site contribution for allotments of £2,777.7.

1.0 THE SITE AND SURROUNDINGS

- 1.1 The 2.20 hectare site is an open agricultural field with hedgerows to the boundaries and in the centre. Tansley Footpath 4 runs parallel to the north eastern boundary of the site and Tansley Footpath 9 runs within the wider field adjacent to the south eastern boundary. The field slopes away to the south east where it meets the brook and the boundary of the Lumsdale Conservation Area. There is a planted area to the bank of the brook. The site adjoins the village of Tansley with the industrial estate to the south west on the opposite side of the brook. The access is proposed via the existing field access onto Tansley House Gardens. DDDC TPO 150/G4, T2 and T3 protected trees are adjacent to the north eastern boundary with the garden area of the property 'Littlefield'.
- 1.2 The temporary site access as granted by permission 22/01130/FUL for the construction compound has been constructed and hardcore has been laid within the site to access the northern corner where the compound is approved. The site is fenced adjacent to the footpath No. 9 and this has been resurfaced and a link is maintained to footpath 4.

2.0 DETAILS OF THE APPLICATION

- 2.1 Full planning permission is sought for 47 dwellings utilising the existing field access off Tansley House Gardens. Dwellings would front the south eastern boundary with Tansley House Gardens, parallel with the footpath No.9 and separated by a private drive with the boundary hedge retained. The estate road would run along the north eastern boundary lined by houses either side and curve in the northern corner and then head south east ending in a turning head. Private drives extend from the main access drive in the centre of the site and adjacent to the south western boundary by the brook. A linear Local Area of Play (LAP) is proposed in the centre of the site adjacent to the central private drive and retained hedgerow.
- 2.2 The proposed housing mix is as follows:
- 4 x 1 bedroom homes.
 - 13 x 2 bedroom homes.
 - 17 x 3 bedroom homes.
 - 7 x 4 bedroom homes; and
 - 6 x 5 bedroom homes.
- 2.3 The affordable housing scheme detailed below equates to 30% of the total of 47 and would be as per the tenure split below:-
- Four First Homes on plots 10, 11, 12 and 14.
 - Two Shared Ownership properties on plots 5 and 7 and
 - A financial contribution £363,712 to the Council for off-site delivery of eight social rented homes.
- 2.3 The proposed dwellings would be faced in coursed natural stone with slate roofs and would be a mix of detached (53%), semi-detached (25%) with three terraces of three dwellings equating to 6%. The design of the dwellings include gable features, stone cills and lintels, stone corbels, hipped roof bay windows, hipped roof garages with hipped roof bays above, flat roof porch canopies and chimneys.
- 2.4 Twenty five trees were surveyed within or adjacent to the boundaries of the site with one high quality tree, 12 moderate quality and 11 low quality trees. The woodland trees adjacent to the southern boundary are protected by reason of being within Lumsdale Conservation Area and there is an area (DDDC TPO/059/A1) and group (DDDC TPO/150/G4) TPO protecting trees adjacent to the eastern and northern boundaries. Two trees would be

removed as part of the proposals and 41 additional trees are to be planted. Capping of the topsoil of only 100mm is required with no excavation works within the RPA of trees as confirmed by the revised Remediation Implementation Plan dated 14th February 2023. A Tree Protection Barrier Plan has been submitted indicating the locations of the protective fencing during construction.

- 2.5 The amended drainage scheme includes an underground attenuation system in the form of a long Rididsewer tank of a volume of 367 cubic metres, rather than the attenuation basin as the slope required for maintenance could not be achieved and the location meant the removal of trees. The tank with a modular crate adjacent would be immediately to the south west of plots 28-30 but would appear as informal open space.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1. Adopted Derbyshire Dales Local Plan 2017

S1 Sustainable Development Principles
S2 Settlement Hierarchy
S3 Development within Defined Settlement Boundaries
PD1 Design and Place Making
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
HC2 (bb) Housing Land Allocations
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 (2021)
National Planning Practice Guide
Climate Change Supplementary Planning Document (SPD) (2021)
Developer Contributions SPD (2020)

4.0 RELEVANT PLANNING HISTORY:

22/01130/FUL - Engineering works to form temporary access, car park, construction compound and materials storage, Permitted with conditions 22 Dec 2022

16/00397/FUL - Residential development of 49 dwellings with associated garages and infrastructure, Permitted with conditions 04 Oct 2019

5.0 CONSULTATION RESPONSES

Tansley Parish Council

- 5.1 They have no objection to this application and welcome the inclusion of play/recreational space. They welcome the 30% of Affordable Homes being homes which will be 'homes to buy', but would expect a small % to be for rent. They welcome the 106 contribution to Highfields School, but wonder if a % of this contribution could go to the local primary

school in Tansley? They also welcome a 106 contribution to health care. Concerns have been expressed by a local resident at Tawny Croft that there may be overlooking from upstairs windows onto the garden of their property. The Parish Council would like to see the inclusion of street lighting, and would also like confirmation of the tenure of the new streets.

There are concerns related to the amendments requested by Officers' for the above site, and feel some of the changes do not improve the amenity for adjacent properties or for future residents.

- The inclusion of an additional house at the entrance to the site is not welcomed. Stancliffe's original plan had a bungalow set in a generous plot size either side of the entrance to the development, which would give one the sense of openness and lead one into a more densely built development. The new amended plan appears cramped and too dense, the height of the two properties at the entrance makes the development seem more urban, and does not reflect the fact this is green field development adjacent to a conservation area. The proposed houses will also be over bearing in relation to the two public rights of way one adjacent and the other which runs the length of the site. The houses will be at the highest part of the site and be prominent within the wider landscape. The Parish Council object to this amendment.
- The original orientation of Plots 44-48 was rather attractive, as the properties were off set, giving new residents more privacy from the adjacent footpath. The new amendment appears rather ordinary and lacking in any originality. The Parish Council object to this amendment.
- Whilst we welcome the planting of additional trees, we have concerns related to the close proximity of this planting in relation to existing residential gardens adjacent to the site. We request any additional tree planting respects the amenity of residents established gardens and trees do not restrict natural light with overhanging or overbearing tree heights.
- We welcome the new underground attenuation basin.
- We agree boundaries should be delineated by additional stone walling.
- We welcome the inclusion of solar panels and electric charging points.
- We question the content of the email from the Director of Housing who appears to be using data related to income profiles for Tansley in relation to the provision of affordable housing, one might think this a reasonable argument if the social homes were to be ring fenced for local Tansley need, however this is not the case, the homes will be allocated to anyone on the housing register.

The Parish Council have had meaningful discussions with this developer as advised by NPPF, he has been proactive in ensuring the public right of way has been up graded to a high standard and is trying to work with the community to bring forward a quality development, it is therefore with some surprise that DDDC appears once again not to be working with the community it serves.

Director of Housing (DDDC)

5.2 The affordable housing scheme as detailed below is acceptable and shall be secured through a S106 agreement.

- Four First Homes on plots 10, 11, 12 and 14.
- Two Shared Ownership properties on plots 5 and 7 and
- A financial contribution £363,712 to the Council for off-site delivery of eight social rented homes.

Community Development Manager (DDDC)

5.3 Looking at this application using the SPD and it being within a 15 minute walk to the recreation ground/play area it would require an off-site contribution to children's play and recreation.

NHS Derby And Derbyshire Integrated Care Board

5.4 No response received to original or re-consultation requests.

NHS Chesterfield Royal Hospital

- 5.5 Section 106 impact on health to be considered.
Initial modelling suggests that the impact of this development is up to £39K

Highways Authority

- 5.6 The site is accessed via an existing unadopted road known as Tansley House Gardens. Although Tansley House Gardens has adequate carriageway width, footway provision and sufficient emerging visibility onto Church Street, it does not benefit from any drainage or street lighting. It is also unknown if the construction depths of Tansley House Gardens are in accordance with current design specifications, so trial holes would need to be carried out to determine what the existing construction depths are. All works required to upgrade this section of Tansley House Gardens, so it can be adopted, should be agreed in writing prior to any works commencing on site. In terms of traffic impact, the proposal would have a negligible effect on the capacity of the surrounding highway network during busy development periods. Such traffic movements are likely to be minimal and it is considered the proposal is not anticipated to adversely affect the operation of the surrounding highway network subject to several conditions that must be adhered to.

Two Public Rights of Way run through the application site and where Footpath no. 9 crosses the proposed new road details of the crossing point must be provided. We are aware that Derbyshire County Council's Public Rights of Way Team have also made comment on the development proposals. Conditions are recommended in respect of provision of a construction site compound, vehicle wheel washing, construction details of the estate road, laying out of the estate road, parking and manoeuvring provision and removal of permitted development rights in respect of the use of the garages. There were no further comments on the amended plans.

Strategic Policy (DDC)

- 5.7 The proposed development falls within and directly relates to the normal area of Tansley Primary School. The proposed development of 47 (discounting 4 one bed) dwellings would generate the need to provide for an additional 10 primary pupils. Tansley Primary School has a net capacity for 88 pupils, with 78 pupils currently on roll. The number of pupils on roll is projected to decrease during the next five years to 60. An evaluation of recently approved major residential developments within the normal area of Tansley Primary School shows new development totalling 19 dwellings, amounting to an additional 5 primary pupils. Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area primary school would have sufficient capacity to accommodate the 10 primary pupils arising from the proposed development.

The proposed development falls within and directly relates to the normal area of Highfields School. The proposed development of 47 (discounting 4 one bed) dwellings would generate the need to provide for an additional 12 secondary with post16 pupils.

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

An evaluation of recently approved major residential developments within the normal area of Highfields School shows new development totalling 172 dwellings, amounting to an additional 48 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 not have sufficient capacity to accommodate the 12 secondary with post 16 pupils arising from the proposed development.

The above analysis indicates that there would be a need to mitigate the impact of the proposed development on school places in order to make the development acceptable in planning terms. The County Council therefore requests financial contributions as follows: £336,396.84 towards the provision of 12 secondary with post16 places at Highfields School + additional education facilities.

In line with the revised Community Infrastructure Levy Regulations 2010 (as amended) Regulation 122 2(a), the County Council will seek a monitoring fee towards the monitoring and reporting of S106 contributions. The fee will be based on the cumulative number of triggers to be monitored for County Council obligations x £73.50 (based on 2 hours officer time Grade 12).

Environment Agency

5.8 They have reviewed the submitted documents and on this occasion the Environment Agency will not be making any formal comment on the submission for the following reason:

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

There are no other environmental constraints associated with the application site which fall within the remit of the Environment Agency.

Flood Risk Management (DDC)

5.9 The Lead Local Flood Authority (LLFA) has reviewed the information submitted for this application, which was received on 8 November 2022, with additional information received in December 2022 and March 2023. The LLFA has no objection subject to the conditions in relation to the FRA, drainage hierarchy, control of surface water run-off during construction and submission of a verification report.

Derbyshire Wildlife Trust

5.10 Comments on the amended scheme are awaited. They have reviewed the Ecological Impact Assessment (EclA) (Middleton Bell, October 2022), which includes a Biodiversity Net Gain Assessment. The survey and assessment have been carried out to a high standard, in accordance with best practice guidelines. No further survey work is considered necessary. Based on original proposals, a net loss of -4.44 habitat units (43%) is predicted, along with a net gain of +0.78 hedgerow units (24%). The largest habitat loss on site is that of neutral grassland (-1.58 ha). The NPPF 2021 requires planning decisions to achieve a net biodiversity gain and Local Plan Policy PD3 requires development to achieve no net loss and wherever possible a net gain. For the scheme to comply with the aims of local and national planning policy, a biodiversity net gain strategy should be produced, which could comprise either an offsetting site or a commuted sum based on units lost, at the discretion of the local authority.

The general mitigation and enhancement measures recommended in the EclA are considered appropriate and sufficient to adequately safeguard protected species. These can be secured through appropriately worded planning conditions. The proposed landscaping appears well-designed and maximises the value of the open space provided through retention of some habitat features, inclusion of native species and creation of an attenuation basin with native seeding and permanent standing water. Compliance with landscaping plans should be secured via condition.

The hedgerow (H5) along the north-eastern boundary was identified as being of high value, despite just falling short of qualifying as 'Important' under the Hedgerow Regulations 1997. Whilst this will be retained within proposals, as reflected in the proposed layout and landscaping plans, the Boundaries Treatment Plan (No.: 2241.06) shows a 1.8 m timber

fence in this location appearing to run through the centre of the hedge. An appropriate and sympathetic boundary treatment should be provided in this area if additional security is required to the hedgerow itself.

Notwithstanding the biodiversity net gain requirements, conditions are recommended in respect of lighting, submission of a Construction Environmental Management Plan (CEMP) and Landscape and Ecological Management Plan (LEMP).

TPO Officer (DDC)

- 5.11 To proposed development is bordered to the north East by trees protected by DCC TPO 124/A1. The Tree Impact Plan submitted shows a number of trees on the North Eastern Boundary would have their Root Protection Areas infringed by the proposed fencing. Of these T22 and G21 are within the TPO. The RPA is defined as the minimum area around a tree that holds enough roots and rooting volume to maintain the tree's viability. Therefore any encroachment into the RPA creates a threat to the viability of the tree. The report states that G21 would suffer a 17.5% infringement and T22 a 13.6% infringement. This is less than ideal as the areas would be vulnerable during the construction phase, prior to landscaping. It is suggested that the fences should protect the entire RPAs and this be removed during landscaping work, then reinstated if necessary.

Tree and Landscape Officer (DDDC)

- 5.12 Existing trees, some of which are subject to statutory protection (Tree Preservation Order and/or conservation area), are located around the borders of the site and within the site. It is considered that the revised scheme layout and changes to proposed works in the vicinity to trees have reduced the impact of the proposed development on existing trees to an acceptable level. It is recommended that the Tree Protection Barrier Location Plan (dated 16 Feb 2023) should be amended to include measurements on the plan to facilitate installation of the barriers in the correct locations on-site (this has now been received). The Tree Protection Plan document (dated 16 Feb 2023) is acceptable together with the Detailed Landscaping Proposals plan (dated 29 Sept 2022, Rev E). A condition to require surfacing, infrastructure and buildings to be appropriately located, designed and specified where they are in the vicinity of retained and proposed trees to take account of their future above ground and below ground growth in order to avoid tree-related damage that may result in tree removals to mitigate is recommended. Furthermore a condition is recommended requiring that the proposed trees in private gardens and shared open spaces are retained for at least 5 years following scheme completion and replaced with similarly sized specimens if they become damaged or die during this time.

Rights of Way (DDC)

- 5.13 Tansley Public Footpath No.9 crosses the access to the site and Tansley Public Footpath No. 4 runs adjacent to the proposed site, as shown on the attached plan. Following prior discussion with the Rights of Way Section, the applicant has made a commitment to upgrade Footpath 9, from the junction with Footpath 4 to the footbridge, as part of the works. The Rights of Way Section has no objection to the proposals as it appears that the existing routes will be ultimately unaffected by the proposed works. Their comments made in relation to proposal 22/01130/FUL continue to apply.

Peak & Northern Footpaths Society

- 5.14 They state that much is made in the application documents of the important contribution which use of the footpaths which run over the NE and SE sides of the site will make to sustainable transport and access to amenities outside the site. This will only happen if these paths are physically and legally improved so they are capable of being used safely and conveniently by the public. This means improving the surfaces of the paths both on and off site, and ensuring that if the paths are enclosed on both sides by close-boarded fences or

high walls the path widths are increased legally to 4 metres. Provision must also be made for the new residents to be able to leave the estate at its northern and southern sides so they can access the wider countryside around the new development. Where FP9 crosses the new access road, there must be a change in the nature and colour of the road surface so that motorists are aware that walkers will be crossing the road.

Historic England

5.15 No comments.

Archaeology DCC

5.16 Archaeological evaluation work on this site has been previously suggested because of its proximity to Tansley's historic core, resulting in conditions applied to the previous consent 16/00397. This work has however now been carried out with negative results, and the evaluation report is submitted with the application. It is therefore advised that no further archaeological work is indicated in relation to this site.

Environmental Health DDDC

5.17 It is recommended that the remediation objectives and verification measures detailed in the Eastwood Engineers Remediation Implementation Plan, dated Nov 22, are added as a condition to this application. Also, given the recent application for the extension of workshops etc. at Wardman's on the nearby Brookfield Park Industrial Estate it is considered that a noise impact assessment is required in order to protect the amenity of the potential new residents.

Cllr S Flitter

5.18 Requests a site visit please to assess privacy issues in relation to existing properties on Tawney Croft.

Cllr Hughes

5.19 Cllr Hughes visited local residents who live in Tawney Close, the road next to the Tansley House Gardens site to see how the new development will fit in with its neighbours. I have attached two photographs taken by one of the residents which show the current view from Tawney Close over the new development site. I think you can see that there is really no hedge or trees that will obscure the houses to be built backing onto the footpath boundary between Tawney Close and the new development. Also, the trees will never be sufficiently substantial to do so.

The neighbours are concerned about their loss of privacy because two storey houses are now planned along that boundary. They say that they were sanguine regarding the previous layout that showed bungalows rather than houses. The bungalows would not overlook the neighbours in the same way that the upstairs windows in houses would allow.

The neighbours also suggest that it would be better for the houses to be placed nearer to the play area in the development which is lower down. As it is, the bungalows will be placed nearer to the play area yet they are less likely to be occupied by families with young children.

Finally, the neighbours believe that the bungalows will be preferred by older people. Placed lower down the site will mean there is a hill to climb if they want to go anywhere, and that may be an inconvenience. Placed at the top of the site, there are gentler slopes into Tansley. Therefore, the neighbours would like you to ask the developers to exchange the houses adjacent to Tawney Close with the bungalows planned for lower down the site.

As a member of the planning committee, I am reporting the neighbours' comments rather than my views, and I will of course come to a decision if required to do so only after having read the relevant reports and other documentation, and listened to the views expressed in the committee meeting.

6.0 REPRESENTATIONS RECEIVED

- 6.1 Seven representations have been received and the concerns are summarised below:
- a) It is considered that for the residents of Tawney Close, privacy would be best maintained if the adjacent new properties were to be bungalows.
 - b) It is expected that the new developers would use the same plan as previously approved but they have not and this is not appropriate and not acceptable.
 - c) Directly across the footpath from Tawney Close seven new houses are proposed with windows which would overlook existing properties and would be 9m high.
 - d) Existing properties on Tawney Close are have an elevated position so the entire development would be visible from their windows and gardens.
 - e) The gardens of the properties adjacent to Tawney Close would be small and the would cause noise and disturbance to existing residents
 - f) The high-density layout is more appropriate to an urban location than this country village.
 - g) The dwellings would create a loss of privacy and loss of amenity to existing residents.
 - h) It is considered more appropriate to have bungalows adjacent to footpath 40 rather than two storey properties for reasons of privacy.
 - i) Sustainable properties should be built with integral solar panels and electric charging points.
 - j) The A651 cannot take any more traffic at peak periods and Church Street has a pinch point as it adjoins the A651.
 - k) Public transport in Tansley is poor.
 - l) The site abuts Lumsdale Conservation Area.
 - m)It would result in loss of wildlife.
 - n) There is a concern from the resident of Tansley House Gardens as the access road needs to be upgraded to deal with HCVs and the developer should make provision for future maintenance.
 - o) Construction vehicles should not park on Tansley House Gardens and signs should be erected.
 - p) No water runoff should be allowed to prevent mud and soil running down the hill into residents properties.
 - q) The boundary hedge adjacent to Tansley House Gardens should be maintained at a height of 2m with provision made for maintenance.
 - r) The comments of Tawney Close residents have been ignored with bungalows changed to two 2-storey dwellings.
 - s) Residents of 1 Tansley House Gardens are very disappointed to see that the original plot 44 (Cambridge bungalow) has been replaced with an Arlington large 5 bedroom house (now plot 43)
 - t) The proposal includes planting a row of substantial trees adjacent the boundary of 5 Tansley House Gardens which has the potential to have a significant impact their property, obstructing their outlook and taking a significant amount of sunlight from the garden and house.
 - u) The amended plans propose to build a 5 bedroom house at the top of the row bordering Tansley house gardens rather than a bungalow and this is the highest point of the development.
 - v) Soil capping for lead contamination is proposed and the roots of the two mature trees within the garden of Oak Lodge on Church Street should not be damaged or trees removed.

7.0 OFFICER APPRAISAL

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission under the Act are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the

purposes of the Act is the Adopted Derbyshire Dales Local Plan (2017). The National Planning Policy Framework (2021) is a material consideration in respect of this application.

7.2 Having regard to the above, the representations and consultation responses received the following material planning issues are relevant to this application:

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

Suitability of the location

7.3 The site lies within the settlement boundary of Tansley and forms the housing allocation HC2 (bb) for 49 dwellings with a total site area of 2.20ha. It should be noted that there is no longer an extant planning permission (16/00397/FUL) for 49 dwellings as it lapsed in Sept 2022. The principle of residential development for 47 dwellings is acceptable on the site within this third tier settlement which has some local employment at Brookfield Industrial Estate and some services and is accessible by a choice means of transport.

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

7.4 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 and Lumsdale Conservation Area. 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.

7.5 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.

7.6 Policy PD2 requires proposals that affect a heritage asset and/or its setting to demonstrate how it has taken into account of design, form, scale, mass, the use of appropriate materials and detailing, siting and views away from and towards the heritage asset.

7.7 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.

7.8 Development within settlement boundaries requires assessment against Policy S3 which requires development to be of a scale, density, layout and design that is compatible with the character, appearance and amenity of the part of the settlement in which it would be located. Policy PD1 requires all development to be of high quality that respects the character, identity and context of the townscape, contributes positively to an area's character in terms of scale, height, density, layout, appearance, materials and relationship to adjacent buildings.

7.9 Whilst the starting point in this case was an assessment against the previous scheme that was granted permission, there are site constraints that have come to light since this decision. The road layout and position of the dwellings along the northern boundary is constrained by the existence of a drain which cannot be built on. Furthermore the changes in land levels

across the site have proved a constraint in terms of the requirement to limit retaining walls and the detailed design of the attenuation pond. Protected trees adjacent to the boundaries have also required changes to the layout to be made during the application process. Therefore, having completed all the necessary land surveys the applicant is of the view that this layout is one which would deliver the dwellings within these identified constraints.

- 7.10 In general terms the layout provides an adopted estate road terminating in the south western corner in a turning head with three private drives accessed from it. The buffer of open space is retained on the south western section of the site varying in width from 14m in the south western part and increasing to 46m in the southern most section. The submitted landscaping plan indicates native hedgerow adjacent to private drive and property boundaries in this part of the site with a heavy standard tree adjacent to the turning head with smaller trees either side. The open space area would be a mix of grassland with a meadow mix for wetlands where the underground tank is proposed and mowed paths to encourage informal access. The existing central hedgerow is maintained through the site with tree planting and a hedgerow mix adjacent together with the linear grassed LAP.
- 7.11 Thirteen heavy standard trees are proposed adjacent to footpath 9 close to the boundary with Tansley House Gardens. The layout is considered to minimise the harm to the landscape through the protection of existing trees adjacent to the boundaries together with the retaining the central hedgerow as a feature of the site. Furthermore the properties nearest to the Conservation Area boundary are single storey and separated by the landscape buffer and screened by the existing trees. The proposed landscaping on the south western and south eastern boundaries would serve to provide a buffer together with biodiversity improvements through hedgerow, shrub and tree planting to aid the assimilation of the development within the wider landscape and setting of the settlement and Lumsdale Conservation Area in accordance with Policies PD2, PD5 and PD6.
- 7.12 In relation to the dwellings, the layout provides a streetscene adjacent to footpath 9 with improvements to the path secured together with natural surveillance ensuring it is utilised. The dwellings use the natural land levels of the site to step down from the higher land to the north east to the lower land to the south west. The dwellings provide a mix of housetypes and the changes to the entrance with a dwelling that has two main elevations serves to create a strong streetscene along the existing footpath within the site. The properties have a cohesive design with frontage features that add interest and break up the mass of the larger dwellings. The inclusion of low level stone walls that change to hedgerows aids legibility within the site. The designs are considered high quality and are in keeping with the character of the area. The scale and heights have been assessed against the proposed finished floor levels and are considered consistent with the land levels of existing properties and the existing slope within the site. All the properties are proposed in coursed natural stone with slate roofs and grey framed windows. Stone lintels, cills and corbels are proposed with slim white UPVC fascias, plain mortared verges and black guttering.
- 7.13 The dwellings are set back from footpath 9 with a softer edge created with tree and hedge planting. Views through the site to the woodland to the south west would be possible along this footpath together with the central open space area where the existing hedgerow is retained and the LAP is located. The stepping down of properties also means views through the site are possible. It is acknowledged that there are areas of frontage parking, however, these are broken up by lines of shrubs, boundary hedgerows and street trees.
- 7.14 Overall the layout creates views through the site to the surrounding area and provides softer edges to the open space with parking concealed and a bespoke approach to housing design.

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. This proposal seeks to upgrade the section of Tansley House Gardens to adoptable standard as although it has adequate carriageway width, footway provision and sufficient emerging visibility onto Church Street, it remains unadopted due to its lack of street lights and drainage. In terms of traffic impact, the Highways Authority considered that the proposal would have a negligible effect on the capacity of the surrounding highway network during busy development periods. Such traffic movements are likely to be minimal and it is considered the proposal is not anticipated to adversely affect the operation of the surrounding highway network subject to recommended conditions.

- 7.16 Two Public Rights of Way run through the application site and where Footpath no. 9 crosses the proposed new road details of the crossing point must be provided. Planning permission 22/01130/FUL was granted in December 2022 for engineering works to form temporary access, car park, construction compound and materials storage for the site which includes vehicle wheel washing. The Highways Authority has no objection subject to conditions in respect of construction details of the estate road, laying out of the estate road, parking and manoeuvring provision and removal of permitted development rights in respect of the use of the garages. On this basis, the proposed access, parking provision and manoeuvring areas are considered acceptable and the proposal accords with Policy HC19.

Flood risk and drainage

- 7.17 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 site is within Flood Zone 1 and is not at significant risk of flooding from any source. 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. These documents conclude that infiltration type SuDS such as soakaways are not viable due to the expected presence of impermeable ground conditions (clay). Surface water disposal would be via gravity to the Knabhall Brook located south-west of the site, subject to approval from Derbyshire County Council (LLFA). An existing headwall is available to utilise. Surface water discharge would be restricted to the greenfield runoff rate, equating to 6.8 l/s, subject to LLFA approval. Attenuation storage would be provided in an underground tank with a volume of 367 cubic metres. Proposals are for the diversion of the existing public foul sewer crossing the site, subject to approval from Severn Trent Water. Foul effluent would discharge via gravity to the public foul sewer to the north-west of the site.
- 7.18 The LLFA has confirmed that the amended drainage scheme that proposes an underground attenuation tank is acceptable and conditions are recommended.

Residential amenity impacts

- 7.19 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. Policy PD1 requires development achieves a satisfactory relationship to adjacent development in relation to visual intrusion, overlooking, shadowing and overbearing impacts.
- 7.20 The nearest properties to the site are adjacent to the north eastern corner of the site at higher land levels. Sunningale is on the corner of Tansley House Gardens and Church Street with its rear elevation facing south west. An assessment of the window to window distances between this property and plot 1 has been undertaken and on the basis of this distance being in excess of 21m, plot one being 1.5m lower and the intervening tree planting it is considered that this relationship is considered acceptable. No.1 Tawney Close is to the north of Sunningale with its rear aspect facing west and the relationship with plot 1 is also considered acceptable for similar reasons. The relationships of the proposed dwellings with

other properties on Tawney Close and Tansley House Gardens are also considered acceptable.

7.21 Overall the layout provides 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 north east and 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.

Impact on trees, biodiversity and wildlife

7.22 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. The Council's Tree Officer considers the revised scheme layout and changes to the proposed works in the vicinity to trees have reduced the impact of the proposed development on existing trees to an acceptable level. This is based on the attenuation basin being changed to an underground tank and alterations to plots in the northern corner of the site and no excavation works within the RPA's of the adjacent protected trees. The Tree Impact Assessment now concludes that the arboricultural impact of the development is considered to be low. The Tree Officer is satisfied that the impact on trees has been reduced and sufficiently mitigated and considers that the landscaping scheme is appropriate.

7.23 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.

7.24 Updated calculations that the site is assessed to achieve a 1.33% gain in habitat units and a 68.07% gain in hedgerow units have been provided. Overall, the site has increased from 14.13 units (combined) to 16.8 units which equates to an 18.9% increase. This is largely as a result of retaining larger areas of grassland, the introduction of more trees and further hedgerow, together with increased management plans. Two trees would be lost on site whilst 41 trees are proposed to be planted. Thus, the application proposals would result in a net gain of 39 trees on the site. Ecological enhancement include a total of 50 Hedgehog holes (13 x 13 cm) to be included in the boundary fences to allow hedgehogs (*Erinaceus europaeus*) to access garden habitat. Half of the new dwellings would incorporate new Manthorpe swift boxes and half would incorporate Vivara PRO UK Build-in WoodStone Bat Boxes.

7.25 Derbyshire Wildlife Trust have confirmed that the mitigation and enhancement measures are appropriate and the landscaping scheme is "well-designed and maximises the value of the open space provided through retention of some habitat features and inclusion of native species". However, they have yet to make further comments on the revised Biodiversity Net Gain and underground attenuation tank with the associated landscaping changes. These shall be either reported within late representations or verbally at the meeting. Notwithstanding this response, it is considered that the applicant has demonstrated that, subject to planning conditions, the development can secure biodiversity net gain in accordance with policy PD3

Developer contributions and housing mix

7.26 Consistent with local plan Policy HC4: Affordable Housing, which requires 30% provision, the applicant proposes to deliver the scheme detailed below:

- 25% First Homes (4 dwellings) to be delivered on site (Plots 10, 11, 12 and 14)
- 15% Shared Ownership (2 dwellings) to be delivered on site (Plots 5 and 7)
- 60% Social Rented Homes (8 dwellings) to be delivered off-site. This will be secured through a financial contribution to the Council (as outlined in the Council's Developer Contributions SPD). The extent of this proposed financial contribution for these 8 dwellings is £45,464 per unit which includes £745 per unit enabling fee. Thus, the total financial contribution to be secured through a Section 106 Agreement to deliver the proposed 8 social rented homes would be $8 \times £45,646 = £365,168$.

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

The proposed mix below is considered to be appropriate in this location.

- 4 x 1 bedroom homes.
- 13 x 2 bedroom homes.
- 17 x 3 bedroom homes.
- 7 x 4 bedroom homes; and
- 6 x 5 bedroom homes.

7.28 Policy HC14 requires new residential developments of 11 dwellings or more to provide or contribute towards public open space and sports facilities in accordance with table 6. The SPD on Developer Contributions dated February 2020 supercedes this table as it is based on the updated study from January 2018. This 2018 study concluded that whilst the quantity and quality of open space and recreation facilities across the District are in most cases sufficient the following deficiencies were identified as likely to occur by 2033

- Parks and Gardens – 2.42ha
- Natural and semi natural greenspaces – 16.16ha
- Amenity greenspace – 2.54ha
- Provision for children and young people – 0.13ha
- Allotments – 0.45ha

7.29 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 47 dwellings has a requirement for 0.007 Ha (76m²) for children's play provision whereby 0.0179 Ha is proposed which amounts to one Local Equipped Areas of Play (LAP). The SPD has a requirement for parks and gardens which would amount to 0.045 ha (457.7m²) and the proposal would provide 0.638 ha (6381.5m²) of informal open space. In this location the type of public open space proposed is more appropriate to this location than formal parks and gardens as they bring biodiversity benefits and is more in-keeping with the landscape character. Therefore this provision is considered acceptable. A requirement for allotments would not be appropriate on site given the constraints on the developable area and landscape impact, therefore an off-site contribution based on the requirement of 3.94m² per dwelling equating to £2,777.7 would be justified.

7.30 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). It is anticipated at this stage that Children's equipped play provided on site could take the form of natural play inclusive of features such as boulders, logs etc. The future management and maintenance of both the LAP and informal open space would be the responsibility of the developer through a management company and the details of which shall be secured through the Section 106 agreement. The proposal exceeds the requirements within the SPD

in terms of the amount of open space and a contribution for allotments can be secured through the Section 106 agreement and as such the scheme is policy compliant.

7.31 The PD7 Climate Change checklist has been provided stating PV are proposed together with EV charge points for all dwellings but no details have been supplied. This shall be a condition of any permission.

Conclusion

7.32 As set out in paragraph 7.2 the site is allocated in the Adopted Derbyshire Dales Local Plan (2017) for residential development under Policy HC2(bb). Such sites are critical to the District Council meeting the spatial strategy and vision set out in this plan, particularly in respect of the delivery of housing to meet the districts objectively assessed housing needs. Subject to the applicant entering into a S106 planning obligation agreement to secure 4 no. first homes, 2 no. shared ownership an off-site affordable housing contribution equivalent to 8 units (£365,168) and a contribution of £336,396.84 towards secondary and post 16 school places and conditions the development addresses the relevant provisions of the development plan and national guidance. A recommendation of approval is put forward on this basis.

8.0 RECOMMENDATION

That authority be delegated to the Development Manager or Principal Planning Officer to grant planning permission, subject to the below conditions and response from the Derbyshire Wildlife Trust, and following the completion of a S106 planning obligation agreement to secure:

- 25% First Homes (4 dwellings) to be delivered on site
- 15% Shared Ownership (2 dwellings) to be delivered on site
- 60% Social Rented Homes (8 dwellings) to be delivered off-site. This will be secured through a financial contribution to the Council of £365,168.
- Education Contribution of £336,396.84 towards the provision of 12 secondary with post16 places at Highfields School and additional education facilities.
- An off-site contribution for allotments of £2,777.70.

CONDITIONS

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

Reason:

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

2. This consent relates solely to the application drawings:- Location plan 2241.02, Planning Layout 2241.01 Rev R, Cross Section 2241.05 Rev B, Detailed landscape proposals 3941/1 Rev E, Drainage Layout 47402-ECE-XX-XX-DR-C-0004 Rev P06, Impermeable Areas Layout 47402-ECE-XX-XX-DR-C-0005 Rev P02, Site Plan showing finished floor levels SH-TANS-0005, Street Scenes 2241.04 Rev B, Tree Protection Barrier Location Plan SH-TANS-0004 and the following housetype plans:-
Langley – LAN.01 and LAN.02 Rev A
Gainsborough – GAI.01, GAI.02 A and GAI.03
Henley – HEN.01, HEN.02 A and HEN.03 A
Harwood – HAR.01
Burford – BUR.01

Ashton – ASH.01A
Windsor – WIN.01 and WIN.02
Woburn – WOB.01 and WOB.02
Cambridge – CAM.01 and CAM.02
Tenby – TEN.01 and TEN.02
Thornham – THO.01 and THO.02
Oxford – OXF.01 and OXF.02
Arlington - ARL.01 and ARL.02
Daylesford – DAY.01, DAY.02 and DAY.03

Reason:

For the avoidance of doubt

3. No development shall take place until construction details of the residential estate road and footways (including levels, gradients, surfacing, street lighting and means of surface water drainage) together with the details of the crossing point of footpath No.9 have been submitted to and approved in writing by the Local Planning Authority.

Reason:

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

4. The existing and proposed carriageway of the estate road to serve the development shall be laid out in accordance with submitted drawing ref: 2241.01 Rev. R and constructed in accordance with Condition No 3 above up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageways and footways shall be constructed up to and including base course to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and Church Street. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within 12 months (or 3 months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

5. No dwelling shall be occupied until space has been laid out within the site for the parking and manoeuvring of residents' vehicles associated with that dwelling in accordance with drawing ref: 2241.01 Rev. R These facilities shall thereafter be retained for use at all times.

Reason:

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

6. The garages and car parking spaces to be provided shall be kept available for the parking of motor vehicles at all times. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and/or re-enacting that Order), the garage/car parking spaces hereby permitted shall be retained as

such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.

Reason:

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

7. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within: a. Eastwood Consulting Engineers. (21 October 2022). *Flood Risk Assessment*, 47402-0001 Issue 1, and Eastwood Consulting Engineers. (17.02.2023). *Drainage Layout*. 47402-ECE-XX-XX-DR-C-0004 P06, including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team b. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not increase flood risk in accordance with Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

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

Reason:

To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options. The assessment should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy:

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

And to ensure that development will be safe from flood risk including from groundwater and natural springs in accordance with Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

9. Prior to commencement of the development, the applicant shall submit for approval to the Local Planning Authority details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the Local Planning Authority, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.

Reason:

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

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

Reason:

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

11. The development hereby approved shall be implemented in accordance with the Tree Protection Plan document (dated 16 Feb 2023) *and* Tree Protection Barrier Location Plan SH-TANS-0004 Rev A and BS5837 Report and Arboricultural Impact Assessment.

Reason:

In order to protect the protected trees from damage during construction in accordance with Policy PD6 of the Adopted Derbyshire Dales Local Plan (2017).

12. The proposed trees in private gardens and shared open spaces as approved on Detailed Landscaping Proposals plan 3941/1 Rev E shall be retained for at least 5 years following scheme completion and replaced with similarly sized specimens if they become damaged or die during this time.

Reason:

To protect and enhance the appearance and character of the site and locality, in accordance in accordance with Policy PD6 of the Adopted Derbyshire Dales Local Plan (2017).

13. Prior to works on the footpaths commencing details of any regarding/improvement works and the method of construction which will leave a footpath route open shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be carried out in accordance with the agreed details.

Reason:

To ensure the works to the footpaths are undertaken in an acceptable manner in the interests of visual amenity in accordance with Policy HC19 of the Adopted Derbyshire Dales Local Plan (2017).

14. Notwithstanding the submitted information on materials plan 2241.03 Rev A and prior to the works commencing on the construction of the exterior walls of any of the dwellings the following details shall be submitted to and agreed in writing by the Local Planning Authority:

- Detailed plans of all windows and doors, their finish and reveal

- Details and samples/sample panel where necessary of all external facing and roofing materials including geological source, construction detail and finish including mullions, jambs, heads, cills and mortar detail
- Details of and finished materials of all chimneys

Reason:

To ensure an appropriate finished form of development in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

15. The development hereby approved shall be implemented in accordance the remediation objectives and verification measures detailed in the Eastwood Engineers Remediation Implementation Plan, dated Nov 22.

Reason:

To ensure that appropriate assessment, remediation and verification of ground contamination / ground gas and controlled waters is undertaken in accordance with Adopted Local Plan Policy PD9.

16. A scheme for protecting the future occupiers of the development hereby permitted from noise from Wardman's on Brookfield Park Industrial Estate shall be submitted to and approved in writing by the Local Planning Authority and any identified measures completed in full prior to the site / building(s) being brought into first use.

Reason:

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

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no buildings, structures, extensions, fences, gates, walls or other means of enclosure shall be erected within the curtilage of the dwellings on plots 2, 3, 4, 5, 10, 11, 12, 13, 14, 15, 16 and 17 without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason:

In order to protect the future health of the protected trees in accordance with Policy PD6 of the Adopted Derbyshire Dales Local Plan (2017).

18. No dwelling shall be first occupied until:-
 - a) A scheme for the laying out and equipping of the play area shown on the submitted plan, to include landscaping, boundary treatment and provision for future maintenance and safety checks of the equipment has been submitted to and approved in writing by the Local Planning Authority and;
 - b) The play area has been laid out and equipped in accordance with the approved scheme.

Reason:

To ensure appropriate provision of play area in accordance with Policy HC14 of the Adopted Derbyshire Dales Local Plan (2017) and guidance contained within the National Planning Policy Framework.

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

Reason:

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

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

Reason:

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

21. All soft landscaping comprised in the approved detailed landscaping proposals plan no. 3941/1 Rev E shall be carried out in the first planting and seeding season following the first occupation of any dwelling or the completion of the development (whichever is sooner); All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason:

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

22. 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 and approved in writing prior to installation. 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).

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

Reason:

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

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

Reason:

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

25. No development shall take place (including ground works, vegetation clearance and movement of plant, machinery and materials) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall be based on the mitigation measures detailed in the Ecological Impact Assessment (Middleton Bell Ecology, 2022) and include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones", including retained onsite habitats and the offsite woodland.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction. This should include measures to safeguard nesting birds, common amphibians and hedgehogs.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

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

Reason:

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

26. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The LEMP shall combine both the ecology and landscape disciplines and include the enhancement measures detailed in the Ecological Impact Assessment (Middleton Bell Ecology, 2022). The following information shall be provided:
 - a) Description and location of features to be retained, created, enhanced and managed, as per the approved biodiversity metric (Middleton Bell Ecology, 13.10.22).

- b) Aims and objectives of management, in line with desired habitat conditions detailed in the metric.
- c) Appropriate management methods and practices to achieve aims and objectives.
- d) Prescriptions for management actions.
- e) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity).
- f) Details of the body or organization responsible for implementation of the plan.
- g) A monitoring schedule to assess the success of the habitat creation and enhancement measures
- h) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
- i) Detailed habitat enhancements for wildlife, as per the Ecological Impact Assessment.
- j) Details of offset gullies and drop kerbs in the road network to safeguard amphibians.
- k) Detailed specifications for open water habitats to provide biodiversity benefits.
- k) Requirement for a statement of compliance upon completion of planting and enhancement works.

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

Reason:

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

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

Reason:

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

9.0 NOTES TO APPLICANT:

1. The Local Planning Authority prior to the submission of the application engaged in a positive and proactive dialogue with the applicant which resulted in the submission of a scheme that overcame initial concerns relating to layout, design, trees and drainage.
2. 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.
3. This permission relates solely to the application
Location plan 2241.02, Planning Layout 2241.01 Rev R, Cross Section 2241.05 Rev B, Detailed landscape proposals 3941/1 Rev E, Drainage Layout 47402-ECE-XX-XX-DR-C-

0004 Rev P06, Impermeable Areas Layout 47402-ECE-XX-XX-DR-C-0005 Rev P02, Site Plan showing finished floor levels SH-TANS-0005, Street Scenes 2241.04 Rev B, Tree Protection Barrier Location Plan SH-TANS-0004 and the following housetype plans:-
Langley – LAN.01 and LAN.02 Rev A
Gainsborough – GAI.01, GAI.02 A and GAI.03
Henley – HEN.01, HEN.02 A and HEN.03 A
Harwood – HAR.01
Burford – BUR.01
Ashton – ASH.01A
Windsor – WIN.01 and WIN.02
Woburn – WOB.01 and WOB.02
Cambridge – CAM.01 and CAM.02
Tenby – TEN.01 and TEN.02
Thornham – THO.01 and THO.02
Oxford – OXF.01 and OXF.02
Arlington - ARL.01 and ARL.02
Daylesford – DAY.01, DAY.02 and DAY.03
Land Survey Plan 1254/1
Agent’s letter dated 17th February 2023
Remediation Implementation Plan by Eastwood dated 14th February 2023
Report on Additional Site Investigation Letter by Eastwood dated 13th October 2022
Written Scheme of Investigation for Archaeological Evaluation Trenching by Lanpro Services dated September 2022
Archaeological Evaluation Trenching by WYAS Archaeological Services dated November 2022
Tree Protection Plan document (dated 16 Feb 2023)
Flood Risk Assessment by Eastwood dated 21st Oct 2022
Transport Statement Oct 2022
BS5837 Report and Arboricultural Impact Assessment Ref 22052
Construction Method Statement and Environmental Management Plan Rev A Oct 2022
Climate Change Statement Checklist
Design and Access Statement
Ecological Impact Assessment

4.
 - A. The County Council does not adopt any SuDS schemes at present (although may consider ones which are served by highway drainage only). As such, it should be confirmed prior to commencement of works who will be responsible for SuDS maintenance/management once the development is completed.
 - B. Any works in or nearby an ordinary watercourse may require consent under the Land Drainage Act (1991) from the County Council. For further advice, or to make an application please contact Flood.Team@derbyshire.gov.uk.
 - C. No part of the proposed development shall be constructed within 5-8m of an ordinary watercourse and a minimum 3 m for a culverted watercourse (increases with size of culvert). It should be noted that DCC have an anti-culverting policy.
 - D. The applicant should be mindful to obtain all the relevant information pertaining to proposed discharge in land that is not within their control, which is fundamental to allow the drainage of the proposed development site.
 - E. The applicant should demonstrate, to the satisfaction of the Local Planning Authority, the appropriate level of treatment stages from the resultant surface water discharge, in line with Table 4.3 of the CIRIA SuDS Manual C753.

F. The County Council would prefer the applicant to utilise existing landform to manage surface water in mini/sub-catchments. The applicant is advised to contact the County Council's Flood Risk Management team should any guidance on the drainage strategy for the proposed development be required.

G. Surface water drainage plans should include the following:

- Rainwater pipes, gullies and drainage channels including cover levels.
- Inspection chambers, manholes and silt traps including cover and invert levels.
- Pipe sizes, pipe materials, gradients, flow directions and pipe numbers.
- Soakaways, including size and material.
- Typical inspection chamber / soakaway / silt trap and SW attenuation details.
- Site ground levels and finished floor levels.

H. On Site Surface Water Management;

The site is required to accommodate rainfall volumes up to the 1% probability annual rainfall event (plus climate change) whilst ensuring no flooding to buildings or adjacent land.

- The applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas, etc, to demonstrate how the 30 year + 35% climate change and 100 year + 40% Climate Change rainfall volumes will be controlled and accommodated. In addition, an appropriate allowance should be made for urban creep throughout the lifetime of the development as per 'BS 8582:2013 Code of Practice for Surface Water Management for Developed Sites' (to be agreed with the LLFA).
- Production of a plan showing above ground flood pathways (where relevant) for events in excess of the 1% probability annual rainfall event, to ensure exceedance routes can be safely managed.
- A plan detailing the impermeable area attributed to each drainage asset (pipes, swales, etc), attenuation basins/balancing ponds are to be treated as an impermeable area.

Peak Flow Control

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

Volume Control

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

- For developments which have been previously developed, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hour 1% probability annual rainfall event must be constrained to a value as close as is reasonably practicable to the greenfield runoff volume for the same event, but must not exceed the runoff volume for the development site prior to redevelopment for that event.

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

Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional.

- Where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning signage should be provided to inform of its presence. Cellular storage and infiltration systems should not be positioned within the highway.
- Guidance on flood pathways can be found in BS EN 752.
- The Greenfield runoff rate which is to be used for assessing the requirements for limiting discharge flow rates and attenuation storage for a site should be calculated for the whole development area (paved and pervious surfaces - houses, gardens, roads, and other open space) that is within the area served by the drainage network, whatever the size of the site and type of drainage system. Significant green areas such as recreation parks, general public open space, etc., which are not served by the drainage system and do not play a part in the runoff management for the site, and which can be assumed to have a runoff response which is similar to that prior to the development taking place, may be excluded from the greenfield analysis.

I. If infiltration systems are to be used for surface water disposal, the following information must be provided:

- Ground percolation tests to BRE 365.
- Ground water levels records. Minimum 1m clearance from maximum seasonal groundwater level to base of infiltration compound. This should include assessment of relevant groundwater borehole records, maps and on-site monitoring in wells.
- Soil / rock descriptions in accordance with BS EN ISO 14688-1:2002 or BS EN ISO 14689-1:2003.
- Volume design calculations to 1% probability annual rainfall event + 40% climate change standard. An appropriate factor of safety should be applied to the design in accordance with CIRIA C753 – Table 25.2.
- Location plans indicating position (soakaways serving more than one property must be located in an accessible position for maintenance). Soakaways should not be used within 5m of buildings or the highway or any other structure.
- Drawing details including sizes and material.
- Details of a sedimentation chamber (silt trap) upstream of the inlet should be included.

Soakaway detailed design guidance is given in CIRIA Report 753, CIRIA Report 156 and BRE Digest 365.

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

K. The applicant should submit a comprehensive management plan detailing how surface water shall be managed on site during the construction phase of the development ensuring there is no increase in flood risk off site or to occupied buildings within the development.

L. The applicant should manage construction activities in line with the CIRIA Guidance on the Construction of SuDS Manual C768, to ensure that the effectiveness of proposed SuDS features is not compromised.

5. A. Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Executive Director – Place at County Hall, Matlock (Tel: 01629 533190 and ask for the Development Control Implementation Officer). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 38 Agreement.

B. Highway surface water shall be disposed of via a positive, gravity fed system (i.e. not pumped) discharging to an approved point of outfall (e.g. existing public sewer, highway drain or watercourse) to be sanctioned by the Water Authority (or their agent), Highway Authority or Environment Agency respectively. The use of soakaways for highway purposes is generally not sanctioned.

C. Pursuant to sections 219/220 of the Highways Act 1980, relating to the Advance Payments

Code, where development takes place fronting new estate streets, the Highway Authority is obliged to serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This takes the form of a cash deposit equal to the calculated construction costs and may be held indefinitely. The developer normally discharges his obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highways Act 1980.

D. Pursuant to sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

E. The application site is affected by two Public Rights of Way, Footpath No's 4 and 9 on the

Derbyshire Definitive Map. These routes must remain unobstructed and on their legal alignment at all times and the safety of the public using them must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 01629 533190 and asking for the Rights of Way Duty Officer. Please note that:

- The granting of planning permission is not consent to divert or obstruct a Public Right of Way.
- If it is necessary to temporarily obstruct a right of way to undertake development works, then a temporary closure is obtainable from the County Council. Please contact 01629 533190 for further information and an application form.
- If a Right of Way is required to be permanently diverted then the Council that determines the planning application (The Planning Authority) has the necessary powers to make a Diversion Order.
- Any development insofar as it will permanently affect a Public Right of Way must not commence until a Diversion Order (obtainable from The Planning Authority) has been confirmed. A temporary closure of the Public Right of Way to facilitate public safety during the works may then be granted by the County Council.
- To avoid delays, where there is reasonable expectation that planning permission will be forthcoming, the proposals for any permanent stopping up or diversion of a Public Right of Way can be considered concurrently with the application for the

proposed development rather than await the granting of permission.