

<b>APPLICATION NUMBER</b>		22/01407/FUL	
<b>SITE ADDRESS:</b>		Land North of Cavendish Drive, Ashbourne, Derbyshire	
<b>DESCRIPTION OF DEVELOPMENT</b>		Erection of 36 no. dwellinghouses	
<b>CASE OFFICER</b>	Mr J Baldwin	<b>APPLICANT</b>	Chevin Homes Ltd
<b>PARISH/TOWN</b>	Ashbourne	<b>AGENT</b>	Mr A Stock
<b>WARD MEMBER(S)</b>	Cllr R Archer Cllr A Bates Cllr N Wilton	<b>DETERMINATION TARGET</b>	31.07.2023
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	Major application	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	For Members to appreciate the site in its context.

## MATERIAL PLANNING ISSUES

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

## RECOMMENDATION

- That authority be delegated to the Development Manager or Principal Planning Officer to grant planning permission, subject to the below conditions, and following the completion of a S106 planning obligation to secure 10 no. affordable homes on site (including 3 first homes) an off-site affordable housing contribution equivalent to 0.8 units (£36,371.20), a contribution of £6123.60 towards children's play equipment on the nearby play area, a £2127.60 contribution toward the provision of allotments within the District and a mechanism to secure biodiversity net gain for a period of at least 30 years.

## 1.0 THE SITE AND SURROUNDINGS

- 1.1 The application relates to a parcel of agricultural land to the north of Cavendish Drive toward the eastern edge of Ashbourne. The existing Cavendish Drive residential estate wraps around the southern and western boundaries of the site with open agricultural land to the north and east. The existing boundaries to the site comprise mature hedgerows and tree lines with intermittent fencing.
- 1.2 The site is identified by policy HC2 of the Adopted Derbyshire Dales Local Plan (2017) as an allocated housing site – HC2 (e).



## 2.0 DETAILS OF THE APPLICATION

- 2.1 Planning permission is sought for the erection of 36 dwellinghouses as set out in the submitted details received by the Local Planning Authority on 11<sup>th</sup> January 2023. As set out on the submitted layout plan, access to the site would be gained via a new road off the north eastern side of Cavendish Drive. The layout presents a split in the new road forming two cul-de-sacs with a footpath link back to Cavendish Drive adjacent to the junction with Beeley Close.
- 2.2 As set out in the submitted statement from the applicant, the proposed development would comprise the following housing mix:

Number of units	Number of bedrooms	House Type	%
6 (2 affordable)	2	Bungalow	16.67%
15 (4 affordable)	2	Houses	41.67%
15 (4 affordable)	3	Houses	41.67%

- 2.3 The development includes a mix of bungalows and two storey dwellings constructed using red brickwork and a grey roof tile each with vehicular parking for two vehicles.

## 3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2017)
  - S1: Sustainable Development Principles
  - S2: Settlement Hierarchy
  - S3: Development Within Defined Settlement Boundaries
  - S8: Ashbourne Development Strategy
  - S10: Local Infrastructure Provision and Developer Contributions
  - PD1: Design and Place Making
  - PD3: Biodiversity and the Natural Environment
  - PD4: Green Infrastructure
  - PD5: Landscape Character
  - PD6: Trees, Hedgerows and Woodlands
  - PD7: Climate Change
  - PD8: Flood Risk Management and Water Quality
  - HC1: Location of Housing Development
  - HC2: Housing Land Allocations
  - HC4: Affordable Housing
  - HC11: Housing Mix and Type
  - HC14: Open Space and Outdoor Recreation Facilities
  - HC19: Accessibility and Transport
  - HC21: Car Parking Standards
2. Ashbourne Neighbourhood Plan (2021)
  - HOU1: Housing Mix
  - DES1: Design
  - TRA1: Transport
3. Landscape Character and Design SPD (2018)
  - Developer Contributions SPD (2020)
  - Climate Change SPD (2021)
4. National Planning Policy Framework (2021)
  - National Planning Practice Guidance

## 4.0 RELEVANT PLANNING HISTORY:

None

## 5.0 CONSULTATION RESPONSES

### Ashbourne Town Council

- 5.1 **Objection.** There is one proposed entrance and exit to the proposed development, which will cause additional traffic issues on the main entrances to and from the housing estates on to Derby Road, particularly at peak times. There has been a huge over-development of the south side of the town in recent years without any compensatory amenities. There is a lack of infrastructure in Ashbourne to support the number of housing developments over the past few years and here is already pressure on the existing resources. There is a lack of play equipment already in the area with the existing ones being below standard. The application is contrary to the Neighbourhood Plan Policies DES1 and TRA1, and not in line with the National Planning Framework. Members asked that the Planning Application be taken to DDDC's Planning Committee and that Planning application 22/01339/FUL also be taken into account at the same time due to both developments having a major impact on Derby Road.

### Environment Agency

- 5.2 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. If, however, the proposal subsequently changes such that you feel that it may pose a significant environmental risk then please do not hesitate to contact us and we will be pleased to review our response.

### Derbyshire County Council (Highways)

- 5.3 Response received 19/01/2023:

The Highway Authority has undertaken an appraisal of the submitted documents and concludes that the information submitted is insufficient, and as such it is recommended that this application is not determined until revised details are submitted addressing the below matters.

The site is allocated in the adopted Derbyshire Dales local plan and therefore there is no in principle objection to the proposal, however clarification is needed with regards to some transport topics. The applicant should prepare a technical note to address the following matters.

The application proposes a level surface (shared space), the dimensions of this space are not clear and need to be provided. More significantly there needs to be a clear interface between the traditional street design and this approach and it is not clear how a pedestrian will transition between the 2 spaces, the design should have particular regard to the needs of persons with a visual impairment or reduced mobility. The applicant should also explain how they will provide drainage and statutory undertakers apparatus within this design.

The refuse vehicle tracking detail has used the incorrect refuse vehicle in its analysis. The applicant should provide updated tracking details. Policy HC21 considers parking provision, and the parking standards require the parking numbers to be justified. The applicant should review the policy and justify the level of parking proposed.

The applicant has not provided any details of bicycle parking provision. The applicant has already reference BfHL and they should provide cycle parking noting the good and poor practices detailed in that document.

The NPPF para 131 requires all new streets to be treelined. The application does not provide any street trees and therefore conflicts with the framework. The applicant should provide

trees in the prospective highway and suitable root protection, the applicant is directed to TDAG for guidance.

The pedestrian connection to Cavendish Drive opposite Beeley Close requires a connection outside the application boundary. That area of street is subject to a road making agreement and is not public maintained highway, furthermore the landscaping strip is not proposed to be highway, as such it is unclear how such a connection could be delivered. The applicant should amend the application boundary and serve the appropriate planning notices, this will allow the connection to be conditioned and makes delivery a reasonably likely prospect.

The application should not be determined until these matters are addressed.

Response received 18/04/2023:

Further to the recommendation made on 18th January 2023, the applicant has provided additional clarification relating to the previously identified topics of parking, tracking, pedestrian connections, design and green infrastructure.

The applicant has now demonstrated that the development aligns with local guidance, and it has addressed practical design considerations relating to the use of a level surface space. The Highway Authority has asked for street trees to be introduced; however, the LPA has determined that they would prefer to see landscaping addressed elsewhere in the scheme and is satisfied that this can be addressed through a planning condition. In this circumstance the Highway Authority accepts that the application is within the spirit of the NPPF.

Bicycle parking is not suitable as proposed for some of the properties, however this can be addressed with a suitably worded condition.

With the design matter now resolved there is no objection to the proposal subject to the inclusion of conditions.

#### Derbyshire County Council (Archaeology)

- 5.4 The proposal site is within the mapped extent of the WW2 Ashbourne airfield, though it has no airfield features and no sign of related disturbance. LiDAR shows slight traces of ridge and furrow earthworks but these are not readily visible at ground level and have minimal evidential or amenity value. There are no other known archaeological interests in the immediate vicinity. I advise that the low level of archaeological interest in the site does not justify a requirement for archaeological investigation under the policies at NPPF chapter 16.

#### Derbyshire Constabulary

- 5.5 There is a potential footpath link within the site which emerges onto Beeley Close. This form of footpath link creating leaking residential cul-de-sacs very close to private curtilage has an association with amenity problems for adjacent housing, alters the hierarchy of space for semi-private areas, and in the worst case can generate crime and nuisance problems for the surrounding area. From a perspective of reducing crime and disorder, they would only be seen as acceptable if absolutely necessary for convenient circulation, which in this instance doesn't appear to be the case, as local services can be as conveniently accessed via the main entry drive. Consequently, if you are minded to approve this application I'd ask that the link is removed.

#### Derbyshire County Council (Planning Policy)

- 5.6 **Education:**

Assessing the Proposed Development, The County Council has a statutory duty to make education provision available for each young person and elects where possible to provide a school place for each child at their normal area school. This duty applies across all schools and includes Academies.



The number of places at the normal area school is assessed through a system provided by the Department of Education which produces a net capacity. The number on roll at a school reflects the number of pupils attending the school, and the difference between the net capacity and the number on roll is the number of places available or not available to accommodate future requests for places.

Pupil numbers are calculated looking at the five year projection of numbers on roll based on birth rates. This projection does NOT include the impact of any new housing with planning permission or allocated in local plans. The pupil yield from approved planning applications in the normal area of the school is then added.

The number of pupils that the development is expected to generate is calculated using the formula that for every 100 dwellings there will be 24 primary, 20 secondary and 8 post16 pupils. This formula is based on a statistical assessment of birth rate and housing occupancy data in Derbyshire using information from the 2011 census. In calculating the pupil yields one-person households have been omitted. This reflects the fact that one-bedroom dwellings are omitted from the assessments of need contained in consultation responses. The pupil yield employed in the SEND assessment reflects the proportion of Derbyshire pupils being educated within Special Schools as well as Enhanced Resources within mainstream schools.

The requirement for financial contributions towards education provision is therefore based on the normal area school's net capacity, projected pupil numbers on roll over the next five years and the impact of all major residential development with extant planning permissions within the normal area of a school to assess the effect that committed development coming forward will have on school capacity.

The level of contribution required is fair and reasonable in scale and kind and is determined using multipliers provided by the Department for Education based on their analysis of building costs per pupil adjusted to reflect regional variations in costs. These multipliers are revised annually in line with building cost inflation using the Building Cost Information Service All in Tender Price Index. The thresholds and level of contribution required is set out below.

#### 2022/23 Level of Contributions

	<b>Places per 100 dwellings</b>	<b>Cost per pupil place</b>	<b>Cost per 1 dwelling</b>	<b>Cost per 10 dwellings</b>	<b>Cost per 100 dwellings</b>
Primary phase	24 places	£18,165.55	£4,359.73	£43,597.31	£435,973.09
Secondary phase (without Post16)	20 places	£27,372.07	£5,474.41	£54,744.14	£547,441.40
Secondary phase (with Post 16)	28 places	£28,033.07	£7,849.26	£78,492.59	£784,925.86
SEND	0.7 places	£103,946.90	£727.63	£7,276.28	£72,762.82

Primary Level: The proposed development falls within and directly relates to the normal area of St Oswald's CofE Primary School, Ashbourne Primary School and Ashbourne Hilltop Primary and Nursery School. The proposed development of 36 dwellings would generate the need to provide for an additional 9 Primary pupils. St Oswald's CofE Primary School has a net capacity for 210 pupils, with 202 pupils currently on roll. The number of pupils on roll

is projected to increase during the next five years to 222. Ashbourne Primary School has a net capacity for 315 pupils, with 199 pupils currently on roll. The number of pupils on roll is projected to increase during the next five years to 245. Ashbourne Hilltop Primary School and Nursery School has a net capacity for 140 pupils, with 111 pupils currently on roll. The number of pupils on roll is projected to decrease during the next five years to 91.

An evaluation of recently approved major residential developments within the normal area of the Primary Schools shows new development totalling 61 dwellings, amounting to an additional 15 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 9 primary pupils arising from the proposed development.

Secondary Level: The proposed development falls within and directly relates to the normal area of Queen Elizabeth Grammar School. The proposed development of 36 dwellings would generate the need to provide for an additional 10 secondary including post16 pupils. Queen Elizabeth Grammar School has a net capacity for 1,645 pupils with 1,376 pupils currently on roll. The number of pupils on roll is projected to decrease to 1,330 during the next five years.

An evaluation of recently approved major residential developments within the normal area of Queen Elizabeth Grammar School shows new development totalling 428 dwellings, amounting to an additional 120 secondary including post16 pupils. Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area secondary school would have sufficient capacity to accommodate the 10 secondary including post 16 pupils arising from the proposed development.

Mitigation: 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.

Should it emerge that there are viability issues associated with the proposals in the above planning application and the District Council is in agreement with the applicant's financial appraisal, there may be some flexibility in the payment triggers. The full contribution, however, would still be required to fully mitigate the impact that the proposed development would have on the normal area primary school and secondary schools. The County Council requests that its officers are also party to any further negotiations on developer contributions.

If there is insufficient capacity to accommodate the increase in pupils forecast to be generated by this proposed development and the development itself cannot enable the necessary provision, the County Council wishes to highlight that the proposed development may not provide for a sustainable form of development.

### **Broadband**

Investment in the County's broadband infrastructure, to support the future economic prosperity of the county, continues to be a priority for the County Council. The Digital Derbyshire programme is a partnership between Derbyshire County Council and Openreach to provide access to NGA fibre broadband services for residents and businesses. The Council's ambition is that 98% of homes and businesses in Derbyshire will be able to access speeds of at least 24 Mbps by the end of 2020.

The Digital Derbyshire programme applies to existing households and businesses. New residential developments coming forward will not necessarily be covered by the Digital Derbyshire programme. Therefore, all developers proposing housing developments should look to provide for NGA broadband infrastructure and services as part of the design of their development schemes at the outset. It is not expected that the County Council will require fibre-based broadband to be provided to make a development acceptable in planning terms, however developers should look to provide for NGA broadband infrastructure services as an integral part of the development scheme at the outset.

Mitigation: Local Planning Authorities should attach advisory notes to planning permissions to request that developers work with broadband providers to ensure NGA broadband services are incorporated as part of the design of new development. However, if it can be shown that this would not be possible, practical or economically viable, in such circumstances, suitable ducting should be provided within the site and to the property to facilitate future installation. Guidance on the characteristics of qualifying NGA technologies is available from The Department for Digital, Culture, Media and Sport

### **Local Authority Collected Waste**

Government legislation is focused on the prevention and minimisation of waste, maximising re-use and recycling and diverting waste from landfill. Derbyshire County Council as a Waste Disposal Authority has a statutory duty under the Environmental Protection Act 1990 to offer facilities to local residents where they may deposit their household waste. New developments should be provided with a convenient means of waste management, including access to a Household Waste Recycling Centre (HWRC) offering suitable facilities for re-use, recycling and disposal.

New residential development in Derbyshire can be expected to generate an increase in the overall amount of household waste and depending on the size of the development this can have a varying impact on the existing local HWRC network. Where it is expected that new housing development will generate a need for additional provision, funding through developer contributions will be expected to help provide the necessary additional capacity.

The County Council is currently reviewing its approach to assessing the impact of housing development on waste services.

### **Public Health and Adult Social Care**

As this development is fewer than 100 dwellings and relates to general housing, ASCH are unable to provide specific feedback. However, we would like appreciate the following general design principles considered to comply with the NPPF's requirement for developments to 'create places that are safe, inclusive and accessible and which promote health and well-being, with high standards of amenity and flexibility for existing and future users.'

- Dwellings meet national space and/or M4(2) standards to encourage independent living for all ability and mobility levels.
- Good internal space standards, ceiling heights, natural light levels.
- Stairways, walls and ceilings capable of accommodating stair lifts or hoists should these be required in future; large internal cupboards which could be converted for through floor lifts at a future date.
- A mix of tenures and types: affordable accommodation is important to help ensure the stability of the domiciliary care market.
- Having a proportion of dwellings built on one level (stacked or bungalow) and ensuring this type of provision is located near public transport routes and/or urban centres.

### **Employment and Skills**

The Employment and Skills Strategy is an important part of Derbyshire County Council's approach to delivering economic prosperity across the county. The County Council is keen



to ensure it fulfils its statutory responsibilities around supporting young people, disadvantaged adults and the wider workforce into suitable, sustained employment.

A range of agencies across the public sector are actively working to deliver employment and skills activity in Derbyshire, and the County Council wishes to help facilitate stronger partnership working and driving more cohesive action on skills and employment across the county. The County Council would wish to work collaboratively to support the District/Borough Councils to identify where activities or contributions are required to deliver employment and skills development where they are supported by policies in the local plan.

### **Monitoring fees**

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).

### Derbyshire Wildlife Trust

#### 5.7 Response received 14/03/2023

We have reviewed the Ecological Impact Assessment (Eyebright Ecology, December 2022), the Biodiversity Net Gain Metric (Eyebright Ecology, 15/12/22) and the detailed landscape proposals Ref.: GL1719 01.

The site comprises semi-improved grassland, which has been classified as UK Habs: 'modified grassland'. To be classed as 'modified' rather than 'other neutral grassland', only eight or less species must be present per square metre. Given that the site is cattle-grazed and the survey was carried out in November, we query the level of confidence in this classification. There are two larger fields immediately adjacent to the northern boundaries of the application area which are notable for their grassland composition and the field to east, which has been partially developed at Lathkill Drive, also supported good quality grassland prior to development. We are keen to ensure that more good quality grassland habitat is not lost in this area. Furthermore, any change in classification would alter the BNG calculations and affect the offset required. Given that further survey is required at the site for GCN in spring 2023, we recommend that the grassland composition should be verified at a more favourable time of year.

A GCN eDNA analysis of Pond 1 is recommended in the EclA. As protected species are a material consideration, this should be undertaken prior to determination of the application, as detailed in the report. If a positive result is returned, full GCN survey will be required to obtain a population estimate and inform a mitigation strategy. Opportunities exist within the scheme to benefit the local amphibian population due to the creation of a new pond, however this would depend on the future management of the pond and of the quality of connective features to other nearby waterbodies.

Whilst a net gain in hedgerows can be achieved, a net loss of -3.56 habitat units (-48.49 %) is currently predicted. No offsetting strategy has been submitted and therefore proposals are not compliant with the aims of the NPPF 2021, nor the Local Plan. Current landscape proposals for the site appear to maximise the onsite biodiversity value and therefore either an offsetting site or a commuted sum will be required. We query whether the other half of the field could be used to offset the losses through grassland enhancement? This would connect to the other better quality offsite grassland to the north and retain connectivity between Pond 1 and the proposed pond.

Providing the outstanding details can be provided and consent is granted, a Construction Environmental Management Plan (CEMP) should be secured via condition to safeguard

retained habitats and wildlife interests during construction. A sensitive Lighting Plan should also be secured to avoid / minimise lightspill to onsite and adjacent semi-natural habitats.

Response received 01/06/2023

Further to our response dated 14th March 2023 and email correspondence with the LPA dated 25th March 2023, an addendum to the EclA (Eyebright Ecology, December 2022) has been submitted, along with an updated metric.

GCN

GCN eDNA analysis of Pond 1 has now been undertaken and a negative result was returned. As such, no specific mitigation for GCN is required. A new pond is still proposed within the scheme, which would benefit the local amphibian population.

BNG

Our previous response queried the grassland assessment due to the original survey being out of season. An update visit to the site was carried out by Eyebright Ecology on 16th April 2023. In addition, the Trust also visited the site in April 2023. Both survey visits confirmed the assessment of the grassland as modified grassland in good condition.

The previous proposals achieved a net gain in hedgerow units but a net loss of -3.56 habitat units (-48.49 %). A revised scheme has been submitted which includes habitat enhancement in the northern half of the field to achieve a gain of +0.75 units (10%), with trading rules met.

Our only comments on the proposals are that it would be beneficial not to plant too many trees within the main body of the offsite grassland to ensure a meadow character is maintained and to ensure cutting/mowing is possible for management. It may be better to plant several medium trees along the line of the new hedgerow between the onsite and offsite areas and to keep trees close to boundaries, with the exception of one or two. Also, a means of access i.e. a field gate, to the offsite area must be ensured to enable management. These suggestions do not require any changes prior to determination.

Advise that conditions are attached to secure a sensitive lighting plan, construction environmental management plan and landscape and biodiversity enhancement management plan.

Derbyshire County Council (Lead Local Flood Authority)

5.8 Response received 30/05/2023:

We are recommending a holding objection on the proposed development as it is not possible to provide an informed comment until such a time that the applicant has submitted further information.

- The Topographic survey drawing of the development site provided in the Flood Risk Assessment Report is unreadable. Please provide a new drawing.
- Some of the notes in the submitted Drainage Plans 004 and 006 are referring to superseded standards and documents. Resubmission is required.
- The storage volume of the pond on the east side of the development appears to be inadequate from the UK SuDS tool. Can the applicant to provide hydraulic modelling to confirm the size as this application will set the layout and therefore the area of the basin?

Response received 28/06/2023:

No objections subject to conditions.

Environmental Health (Derbyshire Dales)

5.9 Having reviewed the submitted documents for this application I have no objections to make in principle.

However, given the historic use of the local area as a former RAF airfield I would recommend that the standard contaminated land conditions are applied to this application in order to protect the end user (residential with plant up-take).

I would also recommend that standard hours of operation are also attached to this application.

## **6.0 REPRESENTATIONS RECEIVED**

6.1 A total of 11 representations have been received. 4 of which are non-attributable. A summary of the representations is outlined below:

Objections:

- The development will severely impact wildlife on site.
- The development would reduce the amount of open space and air quality for residents.
- The development constitutes overdevelopment of the area.
- The existing road infrastructure is not suitable for additional development.
- The location of the new access would create highway safety issues.
- Previous developers have not worked to regulations regarding start times, parking and road cleaning.
- Development does not include properties for social rent which are required.
- The infrastructure of Ashbourne cannot cope with further development particularly due to the Airfield development in the coming years.
- Inadequate open space and play facilities are proposed and the existing nearby facility is not fit for purpose.
- Any future development should include energy efficiency measures.
- Residents of Cavendish Drive were not consulted.
- The existing noise levels are bad, and the development would increase this further.
- The development could lead to further development beyond the application site.
- Concerns regarding potential flooding of the site and nearby properties.
- Development should be focussed toward brownfield sites.
- The proposed access near Beeley Close is privately owned and the responsibility of residents to maintain, this should not be allowed.
- The proposed pedestrian access near Beeley Close does not serve a useful purpose.

Non-attributable objections:

- Cavendish Drive is already busy, concerns for safety of children with additional traffic.
- The new entrance will replace the existing traffic calming measure, which will increase the number of vehicles travelling at speed.
- There will be overlooking of existing dwellings.
- Existing properties would be devalued.
- Loss of a view from existing dwellings.
- There are not enough facilities in Ashbourne to accommodate more housing.
- There are insufficient facilities such as play areas on Cavendish Drive.
- The existing roads serving Cavendish Drive and Beeley Close are not wide enough to accommodate further development.
- Concerns regarding surface water and potential flooding.
- Concerns regarding highway safety due to the location of the new access.
- Concerns regarding the impact of development on wildlife.
- The additional housing is not required due to recent development.
- Development should be focussed toward brownfield sites.

## **7.0 OFFICER APPRAISAL**

7.1 This application seeks full planning permission for the erection of 36 dwellings on site.

- 7.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission under the Act are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the purposes of the Act is the Adopted Derbyshire Dales Local Plan (2017) and the Ashbourne Neighbourhood Plan (2021). 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 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
  - Highway safety
  - Residential amenity impacts
  - Pollution and Unstable Land
  - Climate Change
  - Impact on trees
  - Flood risk and drainage
  - Impact on biodiversity and wildlife, and
  - Developer contributions and housing mix

Suitability of the location:

- 7.5 The application site is located within the settlement boundary of Ashbourne – as first tier settlement as defined by policy S2 of the Adopted Derbyshire Dales Local Plan (2017). Policy S2 outlines that first tier settlements are the most sustainable locations for development within the district due to their connections to and the provision of existing services and facilities and first tier settlements should therefore be considered the “primary focus for growth” and should continue to provide “significant levels of jobs and homes”.
- 7.6 In this case, the application site is also identified by Policy HC2 of the Adopted Derbyshire Dales Local Plan (2017) as a strategic housing land allocation (HC2 (e)). The site has been allocated for 28 dwellings to help contribute to the District Councils housing requirement as set out in policy S5.
- 7.7 On the basis of the above, given that the application relates to the development of an allocated housing site, within a first tier settlement, the proposed development is considered in principle to be acceptable.

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 Whilst it is appreciated that this site is allocated for 28 dwellings, the proposed site layout even accommodating 36 dwelling is not considered to appear overly dense. The layout is less dense than the existing Cavendish Drive development, this is considered to be important due to the location of the site on the edge of the settlement. The loose form of the dwellings on the application site and the inclusion of a small green buffer to the northern edge of the development is an appropriate transition from the settlement to the open countryside beyond the northern and western boundaries of the site. A landscaping scheme has been submitted which includes additional planting within the site to further aid this transition from the urban development to the wider countryside.
- 7.12 The proposed dwellings include 2 and 3 bedroom properties, this includes a small number of bungalows. The overall scale and design of the properties is of a traditional appearance which appears as a continuation of the existing Cavendish Road development. It is proposed to construct all properties using red brickwork which is the prominent material within the existing development. Some concerns were raised regarding the inclusion of bay windows to the side elevations of the Filburn House type, and the lack of chimneys to the Bramley House type which would help to visually break the terrace properties however this has been addressed through the submission of amended plans. It is considered that the submitted development is appropriate in terms of the proposed layout, design of dwellings and materials proposed which would appear in keeping with the existing Cavendish Drive development. The proposal is not considered to result in any adverse impacts on the character and appearance of the site or its wider setting and would therefore be in accordance with policies S3, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017) in this regard.

#### Highway safety

- 7.13 It is noted that concerns have been raised by Local Residents regarding the highway safety implications of the proposed development.
- 7.14 The proposed access would be taken off the northern side of Cavendish Drive in close proximity to the traffic calming measures which is currently in place. The initial comments received from the Local Highway Authority raised no concerns with regard to the proposed access. There is deemed to be appropriate emerging visibility from the new access for a road of this speed.
- 7.15 Some concerns were raised regarding the transition between the pedestrian footpaths and the level surface the refuse vehicle tracking information provided however, following the submission of further information from the applicant such issues have since been resolved.
- 7.16 The proposed development includes 2 vehicular parking spaces for each property which is considered to be in accordance with policy HC21 of the Adopted Derbyshire Dales Local Plan (2017) and sufficient for the 2 and 3 bedroom properties proposed and in this sustainable location within a first tier settlement.
- 7.17 Subject to conditions as set out in the consultations response received from the Local Highway Authority, the proposed development is not considered to result in any adverse highway safety impacts and would provide sufficient vehicular parking. The development would be in accordance with policies S3, PD1, HC19 and HC21 of the Adopted Derbyshire Dales Local Plan (2017) in this regard.



## Residential amenity impacts

- 7.18 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) requires development proposals to achieve a satisfactory relationship with adjacent development and not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.
- 7.19 The main impacts of the proposed development would be on 23-37 Cavendish Drive which are located to the south of the development site. The application proposes that the existing tree planting to the rear of these properties would be retained. The separation distance to the nearest proposed properties (plots 20-25) would be approximately 25m, this distance, along with the existing mature tree planting is considered to be sufficient in mitigating against any potential overlooking as a result of the proposed development.
- 7.20 Whilst the erection of 36 dwellings on site would impact on the outlook of the occupants of existing residents along Cavendish Drive, the scale, location and orientation of the proposed dwellings are not considered to appear overbearing or result in any overshadowing of neighbouring properties.
- 7.21 The development would be accessed through the existing residential development 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 as requested by Environmental Health Officers.
- 7.22 The development is considered to maintain a satisfactory relationship with surrounding developments and would be in accordance with policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

## Pollution and Unstable Land

- 7.23 Policy PD9 of the Adopted Derbyshire Dales Local Plan (2017) aims to “protect people and the environment from unsafe, unhealthy and polluted environments” Consultation comments have been received from Environmental Health (Derbyshire Dales) which raise potential concerns regarding contamination of the land due to the use of the local area as a former RAF airfield. A request that a condition should be imposed, prior to commencement of development to investigate and if required, remedy any potential contamination would be reasonable in this case and would be in accordance with the aims of policy PD9 of the Adopted Derbyshire Dales Local Plan (2017).

## Climate Change

- 7.24 Policy PD7 of the Adopted Derbyshire Dales Local Plan (2017) states that the District Council will “promote a development strategy that seeks to mitigate global warming, adapts to climate change and respects our environmental limits”. The District Council also have an Adopted Climate Change SPD which provides guidance on the implementation of policy PD7 structured around the following objectives:
- Securing enhanced green infrastructure
  - Managing drainage, flood risk and conserving water
  - Using less energy, increasing energy efficiency and promoting renewable energy
  - Reducing the need to travel and promoting sustainable transport
  - Improving building design and layout to meet the objectives

7.25 The application is submitted alongside a Sustainability and Energy statement and an indicative microgeneration plan. The submitted statement sets out that the development will be carried out with a detailed landscaping plan which incorporates the planting of new trees and enhancements to the green infrastructure. Drainage of the site would utilise the main sewer and a Sustainable Urban Drainage system located in the north eastern corner of the site. The layout of the dwellings has also been considered in order to maximise the potential benefits of solar panels should future residents wish to install these. This is supported by the submitted indicative plan which highlights that all dwellings have a roof plane which would be suitable for solar panel installation and space has been identified for potential air source heat pump installations to all properties.

7.26 Additional measures set out in the submitted sustainability and energy statement include:

- Installation of EV charging points for each dwelling;
- Energy-efficient building fabric and insulation to all heat loss floors, walls and roofs;
- Installation of high-performance insulated ground floors;
- High-efficiency double-glazed windows throughout;
- Quality of build will be confirmed by achieving good air-tightness results throughout to reduce air leakage;
- Efficient building services including high-efficiency heating systems;
- Low-energy lighting throughout the dwellings; and
- Water usage will meet the standards set out in Part G of the building regulations, which seek to promote water efficiency

7.27 The submitted statement is considered to largely be acceptable however, in order to secure such measures, specific details of the materials or measures outlined above would be required by condition. Similarly, it is also considered to be necessary to secure the EV charging points by condition.

#### Impact on biodiversity and wildlife

7.28 The development area does not form part of any internationally or nationally designated site. The site is identified as semi-improved grassland and has been classified as modified grassland. As set out in the initial response from Derbyshire Wildlife Trust “To be classed as ‘modified’ rather than ‘other neutral grassland’, only eight or less species must be present per square metre”.

7.29 Policy PD3 seeks to protect, manage and where possible enhance biodiversity by ensuring that development will not result in harm. Development will not be permitted which directly or indirectly results in significant harm to biodiversity interest unless it can be demonstrated that there is no appropriate alternative site available, statutory and regulatory requirements have been satisfied and appropriate conservation and mitigation measures are provided. Policy PD3 also encourages development to include measures to contribute to biodiversity to ensure that there is a net overall gain to biodiversity.

7.30 The application was submitted with an Ecological Impact Assessment (Eyebright Ecology, 2022), and Biodiversity Net Gain Metric (Eyebright Ecology, 2022) Some concerns were raised by Derbyshire Wildlife Trust as further surveys were required in order to assess any potential impact of the development on Great Crested Newts on site and that as submitted, the development proposed a net loss in habitat units. Further survey work and discussions with Derbyshire Wildlife Trust have been undertaken.

7.31 Derbyshire Wildlife Trust have been re-consulted on the amended scheme and the additional survey and reports. The updated Great Crested Newt survey provided a negative response and there is not considered to be any harm to the existing population. The proposed new pond would in fact be a benefit to the amphibian population.

- 7.32 A revised biodiversity net gain scheme has been proposed which utilises the field to the north of the application site which is also under the applicants ownership. The new scheme would result in a +0.75 units (10%) with trading rules applied
- 7.33 The development therefore demonstrates that, subject to planning conditions, it can be accommodated on the site without harm to protected species or their habitat and that it would achieve biodiversity net gain in accordance with policy PD3.

#### Flood risk and drainage

- 7.34 Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017) deals with flood risk management and water quality and advises that the District Council will support development proposals that avoid areas of current or future flood risk, and which do not increase the risk of flooding elsewhere, where this is viable and compatible with other policies aimed at achieving a sustainable pattern of development. The policy also requires new developments shall incorporate appropriate Sustainable Drainage Measures (SuDs) in accordance with National Standards for Sustainable Drainage Systems.
- 7.35 The application is accompanied by a flood risk assessment and drainage strategy which includes the formation of a new SuDs drainage basin toward the eastern edge of the site. Based on the submitted information, the Lead Local Flood Authority recommended a holding objection as insufficient information had been submitted in order for an informed consultation response to be provided. The applicant has subsequently provided an updated topographical survey and hydraulic modelling information to ensure that the storage volume of the proposed pond was sufficient. Based on the additional information and subject to conditions, the Lead Local Flood Authority have raised no objections to the proposed development.

#### Developer contributions and housing mix

- 7.36 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.
- 7.37 Policy HOU1 of the Ashbourne Neighbourhood Plan (2017) states that “Development proposals for housing should meet identified local housing needs and provide, appropriately for the site, a mix of sizes and types of dwelling, including starter homes, smaller properties for people seeking to downsize and specialist accommodation for older people”
- 7.38 A housing mix statement has been prepared by the applicant, which considers housing need and the character of the area. The mix includes 6 bungalows (2 bedroom), 15 2 bedroom and 15 3 bedroom dwellings. It is considered that the mix proposed is appropriate for the site context and location adjacent to the existing Cavendish Drive development in accordance with Policy HC11 and HOU1.
- 7.39 In terms of affordable housing provision, policy H4 requires that 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 affordable housing provision should be in the form of 80% social and affordable rented accommodation with the balance being provided as intermediate housing or discount starter homes. Affordable housing provision should normally be provided in the form of completed dwellings, designed as an integral part of the development site itself and in perpetuity. In exceptional

cases, the Council may however allow provision of affordable housing off-site or by means of a financial contribution of equivalent value.

- 7.40 The development proposes 10 affordable units, 2no. bungalows, 4no. 2-bedroom dwellings and 4no. 3-bedroom dwellings. This amounts to 27.78% of units and therefore an off-site contribution for the balance will be required in order to satisfy the requirements of policy H4. Having regard to the Developer Contributions SPD which outlines an off-site contribution for 1 unit would be £45,464, 0.8 units would amount to an offsite contribution of £36,371.20. The government requires that at least 25% of all affordable housing units delivered by developers through planning obligations should be in the form of first homes (discounted sale units – which must be discounted by a minimum of 30% against the market value). This is the governments preferred discounted market tenure. On allocated sites such as this, first homes should be delivered. It is recommended that 3 no. first homes (30% provision) should be delivered. Based on housing need this should comprise 3no. 3 bedroom properties. This would constitute acceptable provision in accordance with the aims of Policy HC4 and national planning policy guidance.
- 7.41 Derbyshire County Council have advised that there is sufficient capacity within both primary and secondary schools within the area such that no financial contribution will be required from the developer in this regard.
- 7.42 The District Council's Developer Contributions SPD sets out that green space provision will be required as part of residential development proposals for 11 or more dwellings. Where a proposed development is within a 15-minute walk of an existing children's play area it is deemed appropriate to accept an off-site contribution from developers to enhance the existing facility. The site is in close proximity to the existing children's play area off Cavendish Drive and an off-site contribution of £6123.60 in accordance with the cost per dwelling as set out in the SPD will be sought in order to enhance this facility. Given the scale of the development and its location surrounded by an existing residential estate, it is also deemed appropriate in this case to accept an off-site contribution toward the delivery of allotments within the District. In accordance with the SPD, this contribution would amount to £2127.60.

### Conclusion

- 7.43 As set out in paragraph 7.6 the site is allocated in the Adopted Derbyshire Dales Local Plan (2017) for residential development under Policy HC2(e). 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 10 affordable homes (of which 3 should be first homes), an off-site affordable housing contribution equivalent to 0.8 units (£36,371.20), a contribution of £6123.60 towards children's play equipment on the nearby play area, £2127.60 toward the provision of allotments within the District, and conditions the development, in its revised form, addresses the relevant provisions of the development plan and national policy. 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 following the completion of a S106 planning obligation to secure 10 no. affordable homes on site (including 3 first homes) an off-site affordable housing contribution equivalent to 0.8 units (£36,371.20), a contribution of £6123.60 towards children's play equipment on the nearby play area, a £2127.60 contribution toward the provision of allotments within the District and a mechanism to secure biodiversity net gain for a period of at least 30 years.

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. The development hereby approved shall not be carried out other than in accordance with the following approved plans and subject to the following conditions or modifications:

21\_014-CH-XX-ZZ-DR-W-1200 (P01) – Site Location Plan  
001 (D) – Section 104 Sewers Plan  
004 (A) – Overland Flood Flow Routes  
006 (A) – Proposed Drainage Areas Plan  
007 – Vehicle Tracking Plan  
008 (D) – Planning Layout  
100-01 – Meadowgate Elevations (Plot 24-25, 26-27, 35-36)  
100-02 – Meadowgate Floor Plans (Plot 24-25, 26-27, 35-36)  
101-01 (A) – Bramley Elevations (Plot 8-9, 10-11, 12-13, 28-29)  
101-02 – Bramley Floor Plans (Plot 8-9, 10-11, 12-13, 28-29)  
102-01 (A) – Bramley Elevations (Plot 4-6)  
102-02 – Bramley Floor Plans (Plot 4-6)  
103-01 (A) – Bramley Elevations (Plot 16-19)  
103-02 – Bramley Floor Plans (Plot 16-19)  
104-01 (A) – Filburn Elevations (Plot 1 and 7)  
104-02 (A) – Filburn Floor Plans (Plot 1 and 7)  
105-01 – Errwood Elevations (Plots 2-3, 20-21, 22-23)  
105-02 – Errwood Floor Plans (Plots 2-3, 20-21, 22-23)  
106-01 (A) – Errwood and Filburn Elevations (Plots 14-15, 30-31)  
106-02 (A) – Errwood and Filburn Floor Plans (Plots 14-15, 30-31)  
107-01 (A) – Errwood, Errwood and Filburn Elevations (Plots 32-34)  
107-02 (A) – Errwood, Errwood and Filburn Floor Plans (Plots 32-34)  
120-03 – Single Garage Plans (Plot 1)  
400 – Indicative Microgeneration Plan  
600 (B) – Materials Plan  
GI1719 01 – Detailed Landscape Proposals

Reason:

For the avoidance of doubt and in the interests of the proper planning of the area.

3. The development hereby approved shall not be occupied until the access, parking and turning facilities to that individual building to the nearest public highway has been provided as shown on drawing Section 104 Sewer Plans Drawing Number 001 Rev C.

Reason:

In the interest of highway safety in accordance with policy S3 and HC19 of the Adopted Derbyshire Dales Local Plan (2017) and policy TRA1 of the Ashbourne Neighbourhood Plan (2021).

4. Prior to first occupation of each dwelling on site, sheltered, secure and accessible bicycle parking shall be 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 S3 and HC19 of the Adopted Derbyshire Dales Local Plan (2017) and policy TRA1 of the Ashbourne Neighbourhood Plan (2021).

5. Prior to first occupation of any dwelling, a residential welcome pack promoting sustainable forms of access to the development shall be submitted to and approved in writing by the Local Planning Authority, the pack shall then be provided to each resident at the point of first occupation of the dwelling.

Reason:

To reduce vehicle movements and promote sustainable access in accordance with policy S3, PD7 and HC19 of the Adopted Derbyshire Dales Local Plan (2017) and policy TRA1 of the Ashbourne Neighbourhood Plan (2021).

6. Prior to commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:
  - Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
  - Advisory routes for construction traffic;
  - Any temporary access to the site;
  - Locations for loading/unloading and storage of plant, waste and construction materials;
  - Method of preventing mud and dust being carried onto the highway;
  - Arrangements for turning vehicles;
  - Arrangements to receive abnormal loads or unusually large vehicles;
  - Joint Highway Condition survey;
  - Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason:

In the interest of highway safety in accordance with policy S3 and HC19 of the Adopted Derbyshire Dales Local Plan (2017) and policy TRA1 of the Ashbourne Neighbourhood Plan (2021).

7. No development shall take place (including demolition, 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 include the following.
  - a. Risk assessment of potentially damaging construction activities.
  - b. Identification of "biodiversity protection zones".
  - c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
  - 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:

To ensure that the development is carried out and managed and to conserve and enhance biodiversity in accordance with Adopted Local Plan Policy PD3.

- 8. Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority to minimise light spill to semi-natural habitats and 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 light spill 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:

To ensure that the development is carried out and managed and to conserve and enhance biodiversity in accordance with Adopted Local Plan Policy PD3.

- 9. 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).

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

Reason:

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

- 11. Prior to construction of the approved dwellinghouses, details of measures to mitigate the effects of and adapt to climate change at the site and associated timetable for delivery of the measures shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall thereafter be carried out in accordance with the approved details.

Reason:

In the interests of climate change minimisation in accordance with Policy PD7 of the Adopted Derbyshire Dales Local Plan (2017).

12. The development hereby permitted shall not begin until a scheme to deal with contamination of land/ground gas/controlled waters has been submitted to and approved in writing by the local planning authority. The scheme shall include all of the following measures, unless the local planning authority dispenses with any such requirement specifically in writing:
1. A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175: 2011 Investigation of Potentially Contaminated Sites – Code of Practice.
  2. A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice. The report shall include a detailed quantitative human health and environmental risk assessment.
  3. A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation shall be stated, and how this will be validated. Any ongoing 2 monitoring shall also be determined.
  4. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed in an appropriate remediation scheme which shall be submitted to and approved in writing by the local planning authority.

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.

13. A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted prior to first occupation of any part of the development/the development being brought into use. Details of any post-remedial sampling and analysis to demonstrate that the site has achieved the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

Reason:

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

14. 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. Flood Risk Assessment Version 1.0, dated January 2023 (updated 19/01/2023), prepared Julia Williams, The Homestead, Sapperton Lane, Church Broughton,

Derbyshire DE65 5AU "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 and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the Local Planning Authority, in advance of full planning consent being granted in accordance with policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

15. 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 I D: 7-080-20150323 of the planning practice guidance.

Reason:

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

16. 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).

17. 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 and in accordance with policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

18. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of 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.

19. Prior to first occupation of any dwelling, details of the legal and funding mechanism for the maintenance and management of all landscaped areas (excluding privately owned gardens), including the play equipment, highways / footways and areas of hardstanding shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure an appropriate standard of landscaping and maintenance of the road and footpath infrastructure in accordance with the aims of Policies, S3, PD5 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

## **9.0 NOTES TO APPLICANT:**

The Local Planning Authority prior to and during the consideration 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 a surface water drainage issues, a lack of biodiversity net gain being included with the scheme and minor issues with the design of the proposed house types.

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.

### **Works on the Public Highway**

The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.

Contact the Highway Authority's Implementation team allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Councils costs in undertaking the following actions:

Drafting the Agreement  
A Monitoring Fee



Approving the highway details

Inspecting the highway works

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

### **Highway to be adopted**

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

The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980. Contact the Highway Authority's Implementation Team at [EMAIL]. You will be required to pay fees to cover the Councils cost's in undertaking the following actions:

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

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

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

### **Construction Management Plan**

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

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

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

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

Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties.

This does not offer any relief to obligations under existing Legislation.

### **Broadband**

The applicant is further advised that as the site consists of 30 or more dwellings to discuss with Open reach at least six months before development commences on site the provision of full fibre

connections to the site. It is understood that this is provided free of charge by Open reach to the applicant.

Similarly, Virgin Media also provide fibre connectivity to new developments, please follow the link for more information;

<https://www.virginmedia.com/lightning/network-expansion/property-developers>

There are other suppliers which can be approached such as

- Independent Fibre Networks Limited (INFL)
- <https://www.ifnl.net/developers>
- GTe Utility Network
- <https://www.gtc-uk.co.uk/house-builders/fibre-to-the-home>

The HBF is actively encouraging suppliers to install fibre as part of installation to new sites, please see the link for more information <https://www.hbf.co.uk/search/?q=fibre>

## Drainage

It should be noted that the information detailed below (where applicable), will be required as an absolute minimum in order to discharge any of the drainage conditions set by the LPA):

- 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](mailto:Flood.Team@derbyshire.gov.uk).
- C. No part of the proposed development shall be constructed within 5-8m of an ordinary watercourse and a minimum 3 m for a culverted watercourse (increases with size of culvert). It should be noted that DCC have an anti-culverting policy.
- D. The applicant should be mindful to obtain all the relevant information pertaining to proposed discharge in land that is not within their control, which is fundamental to allow the drainage of the proposed development site.
- E. The applicant should demonstrate, to the satisfaction of the local Planning Authority, the appropriate level of treatment stages from the resultant surface water discharge, in line with Table 4.3 of the CIRIA SuDS Manual C753.
- F. The County Council would prefer the applicant to utilise existing landform to manage surface water in mini/sub-catchments. The applicant is advised to contact the County Council's Flood Risk Management team should any guidance on the drainage strategy for the proposed development be required.
- G. The applicant should provide a flood evacuation plan which outlines:
  - The flood warning procedure
  - A safe point of extraction
  - How users can safely evacuate the site upon receipt of a flood warning
  - The areas of responsibility for those participating in the plan
  - The procedures for implementing the plan
  - How users will be made aware of flood risk

- How users will be made aware of flood resilience
- Who will be responsible for the update of the flood evacuation plan

H. Flood resilience should be duly considered in the design of the new building(s) or renovation. Guidance may be found in BRE Digest 532 Parts 1 and 2, 2012 and BRE Good Building Guide 84.

I. Surface water drainage plans should include the following:

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

J. On Site Surface Water Management;

- The site is required to accommodate rainfall volumes up to the 1% probability annual rainfall event (plus climate change) whilst ensuring no flooding to buildings or adjacent land.
- The applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas, etc, to demonstrate how the 30 year + 35% climate change and 100 year + 40% Climate Change rainfall volumes will be controlled and accommodated. In addition, an appropriate allowance should be made for urban creep throughout the lifetime of the development as per 'BS 8582:2013 Code of Practice for Surface Water Management for Developed Sites' (to be agreed with the LLFA).
- Production of a plan showing above ground flood pathways (where relevant) for events in excess of the 1% probability annual rainfall event, to ensure exceedance routes can be safely managed.
- A plan detailing the impermeable area attributed to each drainage asset (pipes, swales, etc), attenuation basins/balancing ponds are to be treated as an impermeable area.

Peak Flow Control

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

Volume Control

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

greenfield run-off for a site is calculated at less than 21/s, then a minimum of 21/s could be used (subject to approval from the LLFA).

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

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

- Ground percolation tests to BRE 365.
- Ground water levels records. Minimum 1m clearance from maximum seasonal groundwater level to base of infiltration compound. This should include assessment of relevant groundwater borehole records, maps and on-site monitoring in wells.
- Soil/rock descriptions in accordance with BS EN ISO 14688-1:2002 or BS EN ISO 14689-1:2003.
- Volume design calculations to 1% probability annual rainfall event + 40% climate change standard. An appropriate factor of safety should be applied to the design in accordance with CIRIA C753 - Table 25.2.
- Location plans indicating position (soakaways serving more than one property must be located in an accessible position for maintenance). Soakaways should not be used within 5m of buildings or the highway or any other structure.
- Drawing details including sizes and material.
- Details of a sedimentation chamber (silt trap) upstream of the inlet should be included. Soakaway detailed design guidance is given in CIRIA Report 753, CIRIA Report 156 and BRE Digest 365.

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

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

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