

APPLICATION NUMBER		23/00616/OUT	
SITE ADDRESS:		Land South of Main Road, Brailsford	
DESCRIPTION OF DEVELOPMENT		Outline planning application for a mixed-use development of up to 75no. dwellinghouses and a commercial development (Use Class E) with approval being sought for access (revised scheme)	
CASE OFFICER	Adam Maxwell	APPLICANT	Mr Tom Goodall
PARISH/TOWN	Brailsford	AGENT	Planning & Design Practice Ltd
WARD MEMBER(S)	Cllr Geoff Bond	DETERMINATION TARGET	14.09.2023
REASON FOR DETERMINATION BY COMMITTEE	Major application	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to appreciate the site and context.

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

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

1.0 THE SITE AND SURROUNDINGS

- 1.1 This site is located south of the A52 (Main Road) on the western edge of Brailsford and is known as Brailsford Green. The site comprises 3.70 hectares of arable land beyond the western edge of Brailsford and south of the recent residential development on the other side of Main Road. Brailsford public footpath no.40 runs through the southern part of the site. The site lies beyond but adjacent to the settlement boundary of Brailsford.
- 1.2 The land slopes gently downwards from Main Road from north east to south west. The field is largely bounded by substantial hedgerows with dispersed mature trees. There is a mature oak tree located within to the southern boundary of the site.
- 1.3 The nearest neighbouring residential properties include the recently constructed residential estate to the north, Field Head House and Barn to the north east, and the residential properties along The Green to the east of the site.
- 1.4 The site lies adjacent to the designated Brailsford Conservation area to the east. There are three Grade II listed buildings adjacent to the site on The Green including Green Farm, Barns south of Green Farm and Old Hall Farmhouse. Grade I listed All Saints' Church is located 430m to the south west of the site.

2.0 DETAILS OF THE APPLICATION

- 2.1 Outline permission is sought for up to 75 dwellings and a commercial development (Use Class E) with access included and all other matters reserved. Access would be from the A52 (Main Road). This application is a re-submission following the refusal of application 22/01373/OUT which proposed up to 100 dwellings on a larger site.
- 2.2 An indicative plan shows proposed areas where dwellings would be sited with the access road branching to the east and west to provide access to the dwellings. The indicative plan shows land reserved for commercial development on the north east corner of the site adjacent to the proposed access. The indicative plan also shows landscaping within and to the southern edge of the site, public open green space and balancing pond to the southwest of the site. Two new uncontrolled pedestrian crossing points across the A52 are shown either side of the proposed access along with a 2m footway extending to the existing bus stop to the west.
- 2.3 The development would deliver 30% affordable housing (up to 22.5 affordable dwellings), the application states that housing mix is to be determined at the reserved matters stage but that there would be a broad mix of house types including bungalows, terraces, semi-detached and detached houses comprising of 1, 2, 3 and 4 bedroom units.





3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan 2017

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

3.2 Adopted Brailsford Neighbourhood Plan 2021

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

3.3 Other:

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

4.0 RELEVANT PLANNING HISTORY:

22/01373/OUT	Outline planning application for a mixed-use development of up to 100no. dwellinghouses and a commercial development with approval being sought for access	Refused	15/03/2023
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5.0 CONSULTATION RESPONSES

5.1 Parish Council: Object for the following reasons:

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

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

The key concerns relating to this development are:

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

5.2 Derbyshire Fire & Rescue Service

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

The Fire and Rescue Authority strongly recommend the installation of a domestic sprinkler system in the above premises, however should you choose not to install a domestic sprinkler

system at this stage, the Fire and Rescue Authority would like to recommend that you provide a minimum 32mm water supply capable of delivering the required volumes which would allow an installation to be carried out easier and at less cost should this be proposed in the future.”

5.3 Derbyshire Wildlife Trust

No response has been received to date on this revised application. Any response received will be updated at the meeting.

5.4 Education Authority

“Primary Level

The proposed development falls within and directly relates to the normal area of Brailsford CE Controlled Primary School. The proposed development of 75 dwellings would generate the need to provide for an additional 8 infant and 10 junior pupils.

Brailsford CE Controlled Primary School has a net capacity for 119 pupils, with 123 pupils currently on roll. The number of pupils on roll is projected to increase during the next five years to 134.

An evaluation of recently approved major residential developments within the normal area of Brailsford CE Controlled Primary School shows no new developments amounting to any additional primary pupils.

Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area primary school would not have sufficient capacity to accommodate the 8 infant and 10 Junior 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 75 dwellings would generate the need to provide for an additional 21 secondary including post 16 pupils.

Queen Elizabeth Grammar School has a net capacity for 1645 pupils with 1342 pupils currently on roll. The number of pupils on roll is projected to decrease to 1289 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 post 16 pupils.

Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area secondary school would have sufficient capacity to accommodate the 21 secondary including post 16 pupils arising from the proposed development.

Mitigation

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

- £435,973.20 towards the provision of 8 infant and 10 junior places 24 Brailsford CE Controlled Primary School + educational facilities.”

5.5 Environment Agency

No comment.

5.6 Force Designing Out Crime Officer

“As a reduced scheme from the previously refused larger proposal determined earlier in the year, our views over the principle of development have not altered, in that there are no reasons to object for matters relating to crime and disorder, without prejudice to comments on future detail, in the event of outline approval.”

5.7 Highway Authority

“I refer to the above-mentioned enquiry, details of which were registered at this Authority on 15 June 2023 for further consideration and I have the following comments to make.

This proposal is a resubmission of application 22/01373, and provides identical access arrangements to that previously agreed. The primary difference is the quantum of housing has reduced to 75 dwellings, and specifically from a transport perspective, the applicant has concluded that a travel plan is not required.

The transport statement submitted reflects the discussions previously held and is suitable. The previously expressed concerns about pedestrian connectivity have been included as such the site would not have an adverse impact on capacity or safety, and addresses active travel.

The exception to the above is the exclusion of a travel plan. A travel plan is still required for a site of this quantum and as such it is necessary to seek a planning condition and section 106 planning obligation to address the omission of this document.

Whilst this site is not allocated in the adopted local plan, there are no matters arising that result in a safety or capacity concern, as such it is recommended that planning conditions and obligations are included in any positive determination to regulate the development and provide for the absent travel plan.”

5.8 Historic England

No comment.

5.9 Lead Local Flood Authority

No objections subject to planning conditions.

5.10 NHS Derby and Derbyshire Integrated Care Board

“The development is proposing 75 (A) dwellings which based on the average household size of 2.5 per dwelling and assuming 100% of the new population would come into this area for primary care health provision would result in an increased patient population of approx. 188 (B) (2.5 x A).

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

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

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

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

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

The financial contribution requested is £67,680.”

5.11 Severn Trent Water

No response to date.

5.12 Sport England

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

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

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

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

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

5.13 DDDC Conservation Officer

"The proposed development is for outline planning permission for a mixed-use development of up to 75 No. dwelling houses and a commercial development or new medical centre, with approval being sought for access. An application made at the end of 2022 (22/01373/OUT) for up to 100 No. dwelling houses and a commercial development or new medical centre was refused planning permission.

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

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

As part of the proposed designation of the Conservation Area in 1996 the following attributes were recognised – 'the west side of The Green has some of the villages oldest buildings (mainly farmsteads), three of which are grade II listed. It is an area of possible former toft an croft farming practices, a medieval form of enclosure. Therefore, the fields and hedgerows o The Green are believed to be of considerable historic interest and important to its setting. The Old Rectory dates back to the early 16th century and has had numerous additions since then in 1682, 1883 & 1925. It is a building of importance to the character of The Green'. Th submitted Heritage, Design & Access Statement (HDAS) acknowledges and recognises that

“this original part of Brailsford is known as Brailsford Green and is the oldest part of Brailsford” and that the site “consists of arable grassland in agricultural use bounded by hedgerows”.

The proposed development site is on open land to the west of ‘The Green’ and outside the Conservation Area. Access to the new development will be off the A52 and an indicative layout has been submitted.

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

The HDAS makes reference to the recent, extensive, developments on the northern side of the A52. Whilst that may be the case for the northern side of the A52 the southern side, and this western side, has remained rural and open and devoid of new development. The retention of this rural character and appearance of the existing and historical built development along ‘The Green’ and the open land/fields beyond are considered significant to the character, appearance and experience of the designated heritage assets. In this regard, the proposed isolated and separated character of the proposed development will appear anomalous. This separation of built development will reinforce the divorced and separated nature of the proposed development on the rural edge of the village and in that regard such a development scheme would constitute an intrusive and detrimental inclusion/encroachment on this side of the village. The potential impacts of such a development scheme would be deemed harmful to the setting of the Conservation Area.

The NPPF states that ‘the setting of a designated heritage asset can contribute to its significance’. Historic England’s national guidance on the ‘setting of heritage assets’ (2015) states that ‘the setting of a heritage asset is the surroundings in which a heritage asset is experienced. Its extent is not fixed’. Furthermore, it states that the importance of setting lies in ‘what it contributes to the significance of the heritage asset’. It is considered that a fundamental attribute of the significance of the Conservation Area is to be found and experienced in the individual & collective impact of structures (listed and non-listed buildings) making up the built environment and its layout, as well as the historic and intrinsic connection to the rural and open landscape to the west. The HDAS states that “if the field [i.e. the proposed development site] possessed clear intrinsic historic value, it would presumably have been included in the Conservation Area”. It is considered that this is not necessarily correct as a conservation area boundary has to be finite. In the designation of a Conservation Area the setting and context of that Area is taken into consideration and whilst land may not be included within a boundary line it may still contribute to the setting, context and experience of a Conservation Area. Historic England’s guidance on the setting of heritage assets recognises and acknowledges this.

It is considered that the indicative scale, extent and layout of the proposed development does not respond to the locations character or to the significance of the designated and non-designated heritage assets. Nor, in regard to the proximity, degree of visual & physical change and scale & extent of the development and its potential prominence, conspicuousness and competition to the existing character and appearance of 'The Green' and the existing open land to the west of the Conservation Area, does the proposed development present any attributes or enhancements to the setting of the Conservation Area. It is considered that the recent amounts of new development in Brailsford have been located to the northern side of the A52 and that the southern side, and particularly the area containing 'The Green' and its associated open landscape to the west and south, that this has remained undisturbed (since designation in 1996) and thus has retained its intrinsic and integral character and appearance in association with the setting and context of the Conservation Area. It is concluded that the presence and magnitude of such development, in this sensitive location and context, will have an adverse effect on the setting of the Conservation Area and its impact(s) will result in irrevocable harm."

5.14 DDDC Environmental Health

No response to date.

5.15 DDDC Policy

No response received on current application. However, the following comments were made on the previous application.

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

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

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

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

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

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

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

5.16 DDDC Director of Housing

1. “Given the previous developments of affordable homes in the village, I would not support the provision of 23 affordable homes on this site.
2. 25% or 5.75 of the proposed 23 affordable homes would be provided as First Homes.
3. I would suggest that 6 to 8 homes would be the on the onsite requirement. The balance either be provided as an off-site contribution, or (preferably) substantially discounted to £1, or a combination of discounted and off-site contribution, depending on the appraisal.
4. At this stage I would suggest a mix of 2 bed bungalows and 2 bed houses for social rent as the preferred on-site contribution, provided to the National described space standards.”

5.17 DDDC Trees and Landscape Officer

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

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

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

It is particularly important to retain and protect from damage larger trees because their diverse contribution to amenity cannot be replaced quickly. The old oak tree toward the southern boundary of the site should, in my opinion, be regarded as a 'veteran tree' because of its range of ecologically valuable features. It is particularly important to protect this tree from damage during any development works and successfully integrate it into the development for the long term. This should include provision of significantly more than the minimum distance between tree and development and limiting development in its vicinity to green open space. In order to protect the tree I recommend that no development at all should be planned within the area surrounding the tree of whichever is the greater of either:

- 15x its stem diameter (measured at 1.5m above ground level), or
- 5m beyond its canopy spread.

These distances should be measured from the stem. This is greater distance than the standard root protection area defined by BS5837:2012 and recognised the sensitivity of old trees to damage. Consideration should also be given to how this oak tree could retain its important habitat features (including dead and damaged branches) while being situated within an intensified land use.

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

- Tree Schedule to include all trees within 15m of the red line boundary of the site,
- Tree Constraints Plan based on the existing layout of the site,
- Tree Retention and Removals Plan based on the proposed layout of the site, and
- Tree Protection Plan based on the proposed layout plan with specification for temporary tree protection fencing and/or temporary ground protection.

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

5.18 DCC Archaeologist

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

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

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

5.19 DCC Landscape Architect

No comment.

5.20 DCC Policy

DCC Policy conclude the following:

“On the basis of the detailed Officer comments below, Derbyshire County Council considers expresses concern that the application proposals may be disproportionately large at 75 dwellings for the scale, role and function of Brailsford as a Third Tier settlement.

However, a key consideration in the assessment of the application proposals is that the District Council cannot demonstrate a five year land supply, in which case there would be a presumption in favour of the application proposals in terms of policies in the NPPF and Policies S4: Development in the Countryside and HC1: Location of Housing Development of the adopted Local Plan. In addition, the application proposals would provide for significant benefits to the local community including 30% of the new housing being provided as affordable units, and the provision of land that could accommodate a E Class Use i.e. retail/ General Practitioner/ office/ café use for the village. Childrens play facilities are proposed within the overall proposed scheme which would provide community benefit. A community fund could also be considered.

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

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

5.21 DCC Rights of Way

“I can confirm that Brailsford Public Footpath No. 40 runs through the proposed development site, along the inside of the southern boundary. Although the legal line and used line of the path differ, neither line appear to be obstructed by the layout as proposed. It is important that no planting is carried out on the legal line of the path, which lies to the north of the used line, and south of the oak tree as shown on the attached plan. The southern landscape buffer will mitigate the loss of visual amenity to an extent.

More information about the proposed new footpath / cycleway to Church Lane, is required before full comment can be made. For instance, what would be the precise line of this path? What would the width and surfacing be? Would it be the intention to dedicate the route to protect it for future generations?

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

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

5.22 DCC Sustainable Travel Team

“All new dwellings should be provided with:

- Secure and accessible cycle storage in line with LTN 1/20, see: Cycle infrastructure design (LTN 1/20) - GOV.UK (www.gov.uk)
- Access to electric vehicle charging points, in line with the June 2022 Building Regulations Part S.
- Infrastructure to enable high speed broadband connection. As a minimum the development should provide the necessary ducting within the site to facilitate FTTP. (Fibre to the Premises).
- Pedestrian walkways should be provided alongside all access roads within the development which lead directly to the proposed green corridor along Centenary Way and Brailsford Footpath 40. This will enable safe pedestrian access to this footpath from all parts of the development.

Pedestrian walkways at all proposed highway access points should be provided to relevant standards to match into existing provision, complete with lighting, surfacing and dropped tactile kerbs as appropriate.

Brailsford Footpath 40 should remain in place and be upgraded to an all-weather surface. The precise specification should be agreed in consultation with Derbyshire County Council.

The closest bus stops on A52 Main Road should be upgraded as appropriate, to include raised kerbs, shelters, timetable cases, lighting, highway bus stop markings and real time

information wherever feasible and not already in place. This should include both East and Westbound stops adjacent to and West of Wallef Road.

Any proposed footway and uncontrolled pedestrian crossing point should be in place and fit for purpose prior to first residential occupation.

All dwellings should be issued with a travel information pack upon occupation.”

5.23 Peak & Northern Footpaths Society

“No objection. The full legal width of Brailsford Footpath 40 must remain unobstructed at all times unless a temporary closure order with a suitable alternative route is obtained. The width and surface of this path both on and off-site should be improved, since it will receive much more use from the residents in the development. All changes to the path must be made with the authority of the county council.”

5.24 Derbyshire Dales Ramblers

“Ramblers Derbyshire Dales Group has no objection providing that:

- i) Brailsford FP 40 remains unaffected at all times, including the path surface, both during and after any development
- ii) Consideration should be given to the safety of members of the public using the Right of Way during the proposed works
- iii) Any encroachment of the footpath would need consultation and permission with/from the DCC Rights of Way Team
- iv) Links from the development to the Right of Way FP 40 would be beneficial
- v) Landscape mitigation of the FP 40/Centenary Way”

6.0 REPRESENTATIONS RECEIVED

6.1 22 letters of representation have been received to date all in objection to the application. The material planning reasons are summarised below:

- a) The land is not designated for housing development in the local plan or neighbourhood plan.
- b) The application is contrary to policies in the local plan and neighbourhood plan.
- c) There is no need for further housing development within the village.
- d) Existing housing developments under construction should be completed before new developments are considered.
- e) There is no need for the proposed commercial development.
- f) The scale of development proposed is excessive. The village has already expanded by 50% since 2017.
- g) Existing village facilities would not be able to cope with the increased traffic and demand created by the proposed development.
- h) Surface water from the proposed development will increase the risk of flooding for neighbouring properties.
- i) Sewerage infrastructure is insufficient to serve the development and any further proposals will put it at major risk.
- j) The development will harm the amenity of users of the footpath crossing the site.
- k) The development will result in an adverse impact upon wildlife on the site.

- l) Insufficient information has been submitted in regard to potential impacts upon wildlife.
- m) The development will result in harm to trees on site.
- n) The development will result in loss of Grade 2 agricultural land.
- o) The development significantly encroaches upon the green fields surrounding the village.
- p) The development will significantly impact upon the openness of the countryside.
- q) The development will result in the loss of open green space used for exercise and mental health wellbeing.
- r) The development will harm the landscape and the character and appearance of the area.
- s) The development will result in harm to the setting of the Grade 1 listed church, several Grade 2 listed buildings on Church Lane and the Conservation Area.
- t) The parking provision for the proposed commercial unit is inadequate and would result in parking on the road.
- u) The access to the proposed development would be unsafe.
- v) The development will generate more traffic.
- w) The development will harm pedestrian safety particularly for children who have to walk along the main road for school.
- x) There is no footpath on the proposed development side of the main road.
- y) Insufficient information has been submitted in regard to the proposed access.
- z) Reference to alleged breaches of planning control in recent housing developments within the village.
- aa) The site has recently been refused planning permission.

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

- a) S.106 impact on health to be considered. Initial modelling suggests that the impact of this development is up to £64,000.

6.3 5 non-attributable letters of representation have been received to date all in objection to the application. The material planning reasons are summarised below:

- There has been a significant amount of housing development within Brailsford recently.
- The village is becoming overpopulated.
- The population of the village has increased from 1,187 in 2011 to 2,002 in 2021, an increase of 67%.
- The site is outside of Brailsford and not designated for housing development.
- The application is contrary to the Brailsford Neighbourhood Plan.
- The development would harm highway safety.
- The proposed pedestrian crossings would not be safe.
- There is insufficient capacity within the school to serve the development.
- There is insufficient capacity within the medical practice to serve the development.
- The development would have a harmful visual and landscape impact.
- The development would result in harmful light pollution.
- The development would have a harmful impact upon drainage / flooding.
- There is insufficient capacity within the sewage network to serve the development.
- The development would harm the setting of nearby listed buildings.
- The development would harm the setting of Brailsford Conservation Area.
- The development would harm the character and appearance of the area.
- The development would result in the loss of productive arable land.
- The proposed commercial development is not in-keeping with the character of the village where commercial properties are clustered around Brailsford Stores and Saracens Head Yard on the Main Road.

7.0 OFFICER APPRAISAL

- 7.1 This application seeks outline permission for up to 75 dwellings on the site, and a commercial development, with all matters other than access reserved.
- 7.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission under the Act are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the purposes of the Act is the Adopted Derbyshire Dales Local Plan (2017) and the Adopted Brailsford Parish Neighbourhood Plan (2021).
- 7.3 Having regard to the above, consultation responses and representations received and the relevant provisions of the development plan and the National Planning Policy Framework (NPPF), the main issues to assess are listed below. These are matters that go to the principle of the development and therefore must be considered at the outline stage.
- Whether residential development on this site is acceptable in principle
 - Impact on cultural heritage
 - Landscape impact and impact upon the character and appearance of the area
 - Transport and Impact on highway safety
 - Impact upon the amenity of neighbouring properties
 - Sustainable building and climate change
 - Flood risk and drainage
 - Impact on trees and biodiversity
 - Affordable housing, housing mix and developer contributions

Principle

- 7.4 The application site is not allocated for housing in the development plan and is located outside but partially on the edge of Brailsford. Policy S2 directs development to the most sustainable locations to reduce the need to travel and promote sustainable communities based on the services and facilities available in each settlement. Brailsford is a third tier settlement where policy provides for reduced levels of development in comparison to higher order settlements in order to safeguard and, where possible, improve their role consistent with maintaining or enhancing key environmental attributes. New development should be focused within the defined settlement boundary in accordance with their scale, role and function unless otherwise indicated in the Local Plan.
- 7.5 Policy H1 supports small-scale infill development housing development within the settlement boundary which relates well to neighbouring properties and is appropriate for the rural setting.
- 7.6 Outside of defined settlement boundaries policy S4 seeks to ensure that new development protects and, where possible, enhances the character and distinctiveness of the landscape, the historic and cultural environment and the setting of the Peak District National Park whilst also facilitating sustainable rural community needs, tourism and economic development.
- 7.7 The Council is unable to demonstrate a 5 year housing land supply at this time. In these circumstances policy S4 i) allows for residential development on non-allocated sites on the edge of defined settlement boundaries of first, second and third tier settlements.
- 7.8 The application site is located on the western edge of residential development south of Main Road. The access to the site would be approximately 450m from the village store / post office and 60m to the nearest bus stop on Main Road.

- 7.9 Therefore, in the current circumstances the principle of residential development on this site is in accordance with policies S2 and S4 i) of the Adopted Derbyshire Dales Local Plan (2017). However, for Brailsford policy S2 provides for reduced levels of development to safeguard, and where possible, improve their role consistent with maintaining or enhancing key environmental attributes. Policy H1 states that for Brailsford this means supporting small-scale infill development appropriate for the rural setting. The scale of the proposed development is substantial relative to Brailsford and beyond the scale and level of development envisaged by policies S2 and H1.
- 7.10 The application also proposes a commercial development as part of the development. The indicative plans show a 0.17 Ha area of land to the northeast of the site reserved for this purpose. The commercial development proposed is within Use Class E (Commercial, Business and Service) and the application form indicates that this element of the development would have a floor area of 500m².
- 7.11 Policy S2 allows for new development within the settlement boundary of a reduced scale relative to existing services and facilities available within the village. The application site is however outside the settlement boundary for Brailsford.
- 7.12 There is no provision within the development plan for commercial development on the site other than rural employment development in accordance with policies S4 c) and EC1. There is no provision for retail development of the scale proposed.

Impact on cultural heritage

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

- 7.17 Policies PD2 is relevant and states that the Council will conserve heritage assets in a manner appropriate to their significance. This will take into account the desirability of sustaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment. Particular protection will be given to heritage assets including (amongst other things) conservation areas, listed buildings, archaeological sites or heritage features and non-designated heritage assets. Policy H1 requires development to demonstrate an understanding of attention to the village environment, its rural location and history and provides specific design requirements.
- 7.18 The Brailsford Conservation Area and listed buildings are designated heritage assets. The Local Planning Authority is obliged to have special regard to the desirability of preserving listed buildings their setting or any features of special architectural or historic interest which they possesses. The Local Planning Authority is also obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 7.19 A Heritage, Design & Access Statement (HDAS) has been submitted with the application. The application is in outline only with all matters reserved except for access. However, the submitted indicative layout shows proposed areas and densities of residential development, landscaping and public open space.
- 7.20 The NPPF states that ‘the setting of a designated heritage asset can contribute to its significance. Historic England’s national guidance on the ‘setting of heritage assets’ (2015) states that “the setting of a heritage asset is the surroundings in which a heritage asset is experienced. Its extent is not fixed”. Furthermore, it states that the importance of setting lies in “what it contributes to the significance of the heritage asset”.
- 7.21 A fundamental attribute of the significance of the Conservation Area and the listed buildings to the west of ‘The Green’ is to be found and experienced in the individual and collective impact of structures (listed and non-listed buildings) making up the built environment and its layout, as well as the historic and intrinsic connection to the rural and open landscape to the west (which includes the application site).
- 7.22 The HDAS concludes that “the revised scheme, if sensitively delivered, will not materially harm the significance of nearby Listed Buildings. Whilst there will be a degree of change to the wider context of the conservation area and village, the historic core of the village will still retain a rural setting, therefore the character and significance of the conservation area will also be maintained.”
- 7.23 Officers disagree with the conclusions of the HDAS. Having regard to the significance of affected heritage assets and the application site it is considered that the indicative scale, extent and layout of the proposed development does not respond positively to the character or the significance of affected designated and non-designated heritage assets. The development does not (in regard to the proximity; degree of visual and physical change; scale and extent of the development; prominence; conspicuousness; competition to the existing character and appearance of ‘The Green’ and the existing open land to the west of the Conservation Area) present any attributes or enhancements to the setting of the Conservation Area.
- 7.24 The HDAS makes reference to the recent, developments on the northern side of the A52. However, there is a significant change in character between to the south of the A52. This western side has remained rural and open and devoid of new development. The retention of this rural character and appearance of the existing and historical built development along ‘The Green’ and the open land/fields beyond are considered significant to the character, appearance and experience of the designated heritage assets. The proposed development would appear isolated and separated in character which would reinforce the divorced and separated nature of the proposed development on the rural edge of the village. The

development would constitute an intrusive and detrimental inclusion/encroachment on this side of the village.

- 7.25 It is therefore concluded that the development will affect the setting of Brailsford Conservation Area and the setting of affected listed buildings wherein including Green Farm (Grade II), Barns South of Green Farm (Grade II), Old Hall Farmhouse (Grade II) and All Saints Church (Grade I). The development will not preserve or conserve the setting of the Conservation Area or affected listed buildings. The development will result in a significant and irrevocable impact upon the setting of the Conservation Area and would result in harm the setting of affected listed buildings contrary to policies PD2 and H1.
- 7.26 The harm identified, while significant, would not result in substantial or total loss of the Conservation Area or affected listed buildings. Therefore in accordance with paragraph 202 of the NPPF the harm should be weighed against the public benefits of the proposal bearing that the NPPF states that great weight should be given to the conservation of designated heritage assets and the statutory duty to have special regard to the desirability of preserving the Conservation Area and listed buildings.
- 7.27 The County Archaeologist advises that due to the location of the PDA (proposed development area) relative to the Conservation Area that there is potential for the development to affect below ground archaeology. Therefore, an archaeological assessment is required. This could be secured by an appropriate planning condition, if planning permission were granted, having had regard to the latest advice from the County Archaeologist.

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

- 7.28 Policy S1 states that development should conserve and where possible enhance the natural and historic environment, including settlements within the plan area. Policy PD1 requires all development to be of high quality design that respects the character, identity and context of the Derbyshire Dale's townscapes and landscapes.
- 7.29 Policy S4 s) states that permission will be granted for development where it does not undermine, either individually or cumulatively with existing or proposed development, the physical separation and open undeveloped character between nearby settlements either through contiguous extension to existing settlements or through development on isolated sites and land divorced from the settlement edge.
- 7.30 Policy PD5 deals specifically with landscape character and states that the Council will seek to protect, enhance and restore the landscape character of the area. This will be achieved by requiring that development has particular regard to maintaining landscape features, landscape character and the setting of the Peak District National Park. Development that would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement will be resisted.
- 7.31 Policy PD1 goes on to say that development will only be permitted where the location, materials, scale and use are sympathetic and complement the landscape character, natural features (including trees, hedgerows and water features that contribute positively to landscape character) are retained and managed and opportunities for appropriate landscaping are sought such that landscape characteristics are strengthened.
- 7.32 Policy LW1 states that proposals shall demonstrate appropriate regard for the landscape sensitivities and designations that are significant features of and constrain development within the parish including the landscape within which the Conservation Area is set. Inter-visibility between the proposed site and the open countryside will need to be assessed and addressed.

- 7.33 The application site comprises part of a large arable field and forms part of a wider landscape of mainly arable fields bound by hedgerows. The land falls gently to the south west and there are distant views to the wider countryside between the field boundaries of tall hedges and occasional trees. The site lies within the Needwood and South Derbyshire Claylands Landscape Character Area (LCA) and within the Settled Plateau Farmlands Landscape Character Type (LCT). The site is not subject to any landscape designations; however, Brailsford Conservation Area is located to the east and several public rights of way (PROW) cross and are within close proximity of the site.
- 7.34 This is predominately pastoral landscape of rolling countryside that is still largely rural and relatively tranquil, featuring distinctive field boundary patterns and characteristic hedgerows with hedgerow trees. Grassland for livestock is the dominant land use although dairy and cereal farming are also important. This LCT is characterised by gently rolling upland plateau, slowly permeable, seasonally waterlogged soils over glacial till, pastoral farming with some cropping, marl pits forming small ponds, densely scattered boundary trees and occasional small woodland blocks, small to medium fields surrounded by hedgerows, parkland estates, areas of former common land with clusters of red brick and Staffordshire blue clay tile roofed cottages, scattered farmsteads and estate farms and extensive view over lower ground.
- 7.35 The application is supported by a Landscape and Visual Appraisal (LVA). The LVA identifies the relevant LCA and LCT, examines the value of the landscape and the impact of the proposed development.
- 7.36 The LVA provides an assessment of the sensitivity of this landscape and concludes that the site and immediate landscape is of medium landscape value. The LVA states that during operation (following completion) that the development would have an initial minor adverse effect on visual amenity reducing to negligible adverse effect by year 15. Landscape effects are considered to be moderate adverse reducing to moderate / minor adverse by year 15.
- 7.37 Impacts upon local visual receptors are also considered by the LVA. Impacts upon residential properties and settlement are considered to be major / moderate adverse falling to moderate / minor adverse by year 15. Impact upon the footpath running through the site is considered to be major / moderate adverse reducing to moderate adverse by year 15. Impact upon views from footpaths looking towards the development from the north and east are considered to be minor adverse reducing to negligible adverse by year 15. Views from Church land and the lane leading to All Saints Church are considered to be minor adverse reducing to negligible adverse by year 15.
- 7.38 The LVA concludes that the design and mitigation approaches adopted by the proposed development through its design are appropriate and would minimise impacts on landscape and visual receptors in the longer term. The LVA states that its assessment is that the development would not result in any unacceptable long-term landscape and visual effects.
- 7.39 The application site is an open field southwest of Brailsford with close visual and functional links with the oldest part of the village. The site also has high amenity value for residents with footpath links to All Saints Church and Ednaston providing open views to the south west. The proposed number of dwellings and site area has been reduced from the previous scheme, however, a development of this scale would inevitably result in a significant visual impact from close vantage points, irrespective of layout, scale and external appearance. The development of the site would have an urbanising impact through the erection of dwellings, commercial development, roads and boundary treatments along with associated noise, lighting and activity.
- 7.40 The development would result in a major / moderate adverse visual change from these close vantage points which could not be completely mitigated through the provision of green

spaces and landscaping as shown on the indicative drawings. As identified above the development would result in significant harm to the setting of the Conservation Area and harm to the setting of listed buildings. It therefore follows that the development would result in harm to the character and appearance of the village, its setting and settlement pattern.

- 7.41 Impacts of the development upon landscape character and in the wider immediate landscape are more limited. The development would not result in significant harm to landscape character nor the wider landscape of the area subject to appropriate design and landscaping.
- 7.42 However, taking into account visual impacts and impacts upon settlement pattern it is concluded that the development would not preserve or enhance the character, appearance and local distinctiveness of the landscape contrary to policies S1, S4, PD5 and LW1. This impact must be taken into account and weighed in the planning balance.

Transport and Impact on Highway Safety

- 7.43 Policies S1, S4 r) and HC19 require development proposals to demonstrate that they can be safely accessed in a sustainable manner. Proposals should minimise the need to travel, particularly by unsustainable modes of transport and help deliver the priorities of the Derbyshire Local Transport Plan. Policy TMA1 encourages development proposals to provide for safe access to surrounding community facilities, an additional pelican crossing at the statutory distance from Luke Lane junction and a new pedestrian crossing on Luke Lane to provide safer access to the school and additional funding for public transport services within the parish.
- 7.44 The application is supported by a Transport Statement (TS). The TS concludes that there are reasonable opportunities for pedestrian travel from the site, with amenities in Brailsford located within walking distance. It is recognised that the A52 contributes to severance and that the existing footway network in Brailsford is constrained. The development would provide carriageway narrowing and uncontrolled pedestrian crossing points on all arms of the new access junction, a new uncontrolled pedestrian crossing point within Brailsford at the A52 / Luke Lane junction and improvements to the public footpath within and adjacent to the site.
- 7.45 The nearest bus stops are located opposite and adjacent to the site frontage and are served by regular services to and from Derby and Ashbourne throughout the day. Derby railway station is accessible via bus. The application proposes to provide improvements to the bus stops.
- 7.46 The TS states that the development would generate up to 58 two-way vehicle movements during a typical weekday peak hour. This level of additional traffic is not considered to be significant and would not result in a severe impact upon the road network.
- 7.47 Access is not reserved and therefore must be assessed as part of this application. The application proposes a 5.5m wide site access carriageway with 6m kerb radii. 2m wide footways would be provided to both sides of the site access carriageway extending to tie into the existing footway at the bust stop to the west and to the east to an uncontrolled pedestrian crossing point. The application proposes 2.4m by 120m visibility splays which can be delivered within adopted highway and / or land within the control of the applicant.
- 7.48 The Highway Authority have been consulted and have provided detailed comments on the submitted application and TS. The Highway Authority advise that the submitted TS is suitable and that previous concerns about pedestrian connectivity have been included and as such the development would not have an adverse impact on capacity or safety and addresses active travel. However, a Travel Plan (TP) is required for a site of this quantum.

The Highway Authority therefore raise no objection subject to planning conditions and a planning obligation to secure the proposed access, highway improvements and Travel Plan.

7.49 Having visited the site and had regard to the submitted TS, representations and consultation response from the Highway Authority, the application has provided sufficient evidence to demonstrate that the proposed access would be safe and that the development would not harm highway safety in accordance with policies S4 r) and HC19. The application therefore would not harm highway safety and would be accessed in a sustainable manner in accordance with policies S1, S4, HC19 and TMA1.

Impact on amenity of neighbouring properties

7.50 The nearest neighbouring residential properties include the recently constructed residential estate to the north, Field Head House and Barn to the north east, and the residential properties along The Green to the east of the site.

7.51 The development would result in the erection of up to 75 dwellings and a commercial development on site along with associated gardens, open space, roads, parking, noise, lighting and activity. The development therefore would result in a change to the outlook of neighbouring properties, particularly Field Head House and Barn and the residential properties along The Green to the east of the site. Nevertheless, the submitted indicative drawing shows that it would be possible to achieve a satisfactory relationship and separation distance from all neighbouring properties.

7.52 Therefore while the development would affect outlook the development would not materially harm the amenity, privacy or security of any neighbouring property due to overbearing, overlooking or loss of light. The concerns raised in regard to impact on outlook and views are understood, however, it is normal for residential properties to be sited close to each other provided that satisfactory privacy and amenity can be achieved. Impact upon private views are not a material planning consideration.

7.53 The development would result in some impact in terms of noise and disturbance during construction. However, this is the case with any development and could be satisfactorily controlled subject to planning conditions to control hours of construction works, construction compound and parking and wheel cleaning facilities.

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

Sustainable building and climate change

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

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

- 7.57 The submitted Planning Statement (PS) addresses mitigating global warming and adapting to climate change. The planning statement does not propose any specific mitigation measures but states that “it is envisaged that the development will incorporate a sustainable approach to energy conservation both through the design and construction process.” The statement says that building envelopes will be designed and constructed to exceed the current building regulations guidance using efficient lighting systems and sustainable sourced materials, wherever practicable. The roofs could be fitted with photovoltaic (PV) panels and the primary heating source could be in the form of ground or air source heat pumps.
- 7.58 Notwithstanding the concerns raised in regard to scale of development, landscape and visual impact the site is sustainably located in terms of distance from the village and availability of public transport. The application also demonstrates that, subject to planning condition, the development could be delivered in a manner that would reduce carbon emissions and energy consumption thereby mitigating the impacts of climate change in accordance with policies S1 and PD7.

Flood risk and drainage

- 7.59 The whole site is located within Flood Zone 1 which is described as land having a less than 1 in 1,000 annual probability of river or sea flooding. The site is therefore at low risk from flooding. The application is for major development and the Flood Risk Assessment (FRA) submitted with the previous application has been re-submitted.
- 7.60 Policies S1 and PD8 are relevant and state that the Council will support development proposals that avoid areas of current or future flood risk and which do not increase the risk of flooding elsewhere. Development will be supported where it is demonstrated that there is no deterioration in ecological status either through pollution of surface or groundwater or indirectly through pollution of surface or groundwater or indirectly through overloading of the sewerage system and wastewater treatment works. New development shall incorporate Sustainable Drainage Measures (SuDS) in accordance with national standards.
- 7.61 The FRA includes a drainage strategy. This strategy concludes that surface water would be dealt with by discharge into an existing drainage ditch out-falling into Brailsford Brook. Attenuation would be provided via two wet ponds designed to attenuate surface water runoff for all storm events up to and including the 1 in 100 year plus 40% climate change storm event, plus a 10% consideration for urban creep.
- 7.62 As stated above the FRA was written for the previous application and the indicative plan within the FRA shows ponds and swales outside the current application site. The indicative layout plan submitted with the current application indicates a single pond. The discrepancy between the FRA and submitted layout plan has been queried with the agent who has advised that the application proposes the principles for which a SuDS scheme would be delivered as part of any application for reserved matters. In principle the proposed means of dealing with surface water from the impermeable areas created by the development is acceptable and would potentially contribute positively to biodiversity.
- 7.63 Foul water would be conveyed via a gravity sewer network which will discharge into a pumping station on the site. The pumping station will then convey flows via a rising main through the site to form a new connection into the public combined sewer network within Painters Lane. Discharge to the main sewer is acceptable in principle and in accordance with Planning Practice Guidance. This would mitigate risk of pollution of the water environment in accordance with policy PD9.
- 7.64 The Environment Agency (EA) and Lead Local Flood Authority (LLFA) have been consulted. The EA raise no objection to the development. The LLFA also raise no objection, subject to

the imposition of planning conditions to secure approval, implementation and validation of a detailed drainage scheme. Seven Trent Water have been consulted on the application but have not provided any comment to date.

- 7.65 The submitted FRA demonstrates that the development would be located within Flood Zone 1 an area of lowest flood risk. The development would be appropriately flood resistant and resilient. Any residual flood risk could be safely managed and safe access and escape routes would be available at all times. Foul water would be to the main sewer. The drainage strategy demonstrates that surface water would be dealt with appropriately by a SuDS scheme. Surface water would be dealt with in accordance with national planning guidance to a surface water body.
- 7.66 Therefore, subject to conditions the application does demonstrate that the development can be accommodated on site in accordance with policies S1 and PD8.

Impact on trees and biodiversity

- 7.67 There are a number of trees and hedges on and adjacent to the site that could be affected by the development. Policies S1 and PD3 state that the Council will seek to protect, manage and where possible enhance the biodiversity and geological resources of the area by ensuring that development will not result in harm to biodiversity or geodiversity interests and by taking account of a hierarchy of protected sites. This will be achieved by conserving designated sites and protected species and encouraging development to include measures to contribute positively to overall biodiversity and ensure that there is a net overall gain to biodiversity. Policy LW1 requires development proposals to integrate into the landscape by prioritising retention of existing features, particularly tree belts, copses and hedgerows and where required replacement planting.
- 7.68 The application is supported by an Ecological Impact Assessment (EclA) and Biodiversity Metric. No tree survey or impact assessment has been submitted with the application.
- 7.69 There are no trees subject to Tree Preservation Order (TPO) on the site or close enough to be adversely affected by the proposals.
- 7.70 The Council's Tree and Landscape Officer advises that there are a number of mature trees and hedgerows particularly around the boundary of the site and it is important these are retained, protected and incorporated into the development. It is particularly important to retain and protect from damage larger trees because their diverse contribution to amenity cannot be replaced quickly. The old oak tree in the centre of the site should be regarded as a 'veteran tree' because of its range of ecologically valuable features. It is particularly important to protect this tree from damage during any development works and successfully integrate it into the development for the long term. This should include provision of more than the minimum distance between tree and development and limiting development in its vicinity to green open space.
- 7.71 The Tree and Landscape Officer advises that an Arboricultural Impact Assessment (AIA) be prepared and submitted prior to determination to inform the development. However, the application is outline with layout a reserved matter. The submitted application does demonstrate that it is possible to achieve a layout which would avoid any significant impact upon trees on or adjacent to the site. However, it is important that if permission is granted that planning conditions be imposed to require this to inform / support any application for reserved matters.
- 7.72 The application site is not close to any statutory conservation sites. All sites are well removed and isolated from the development and therefore there would be no significant adverse impacts upon designated sites either directly or indirectly.

- 7.73 The application demonstrates that there are no features of high nature conservation value or designations at the application site. The development will result in the loss of arable land. Boundary features including hedgerows and trees would largely be retained except for the new access point. Potential impacts on protected species are assessed within the EclA.
- 7.74 Subject to any further advice from Derbyshire Wildlife Trust (DWT), the application has demonstrated that, subject to planning conditions to secure avoidance measures and a Construction and Environment Management Plan (CEMP) it can be carried out in a manner that will not harm designated sites or protected species in accordance with policies S1 and PD3.
- 7.75 The submitted biodiversity net gain assessment concludes that the development will deliver a net gain for habitats and hedgerows on-site of 24.14% for habitats and 21.25% for hedgerows. The report together with the indicative plan demonstrates that this is feasible in principle. If permission is granted a planning condition to secure a Landscape and Biodiversity Enhancement and Management Plan (LBEMP) would be recommended.
- 7.76 Therefore, subject to conditions the application does demonstrate that the development can be accommodated on site in accordance with policies S1 and PD3.

Affordable housing, housing mix and developer contributions

- 7.77 Policy S10 states that suitable arrangements will be put in place to improve infrastructure, services and community facilities, where necessary when considering new development, including providing for health and social care facilities, in particular supporting the proposals that help to deliver the Derbyshire Health and Wellbeing Strategy and other improvements to support local Clinical Commissioning Groups (CCG) and facilitating enhancements to the capacity of education, training and learning establishments throughout the Plan Area.
- 7.78 A health contribution has been sought by the CCG. A contribution of £67,680 is required to enhance capacity / infrastructure in specified local practices, including the existing medical practice in Brailsford. In terms of education the development will also result in the need for additional primary provision to be provided. The Education Authority has stated that this would amount to £435,973.20 towards the provision of primary places at Brailsford CE Controlled Primary School (and additional education facilities). If permission is granted it will be necessary to secure these contributions through prior entry into a planning obligation to meet the demands deriving from the development.
- 7.79 In order to address the significant need for affordable housing across the Local Plan area, policy HC4 requires that all residential developments of 11 dwellings or more or with a combined floor space of more than 1000 square metres provide 30% of the net dwellings as affordable housing. The application proposes to meet this policy requirement by providing affordable housing on site. Therefore, all units of affordable housing (up to 22.5) would be delivered on site, of which 6 would be First Homes in accordance with national planning guidance. This is considered to constitute acceptable provision. If permission is granted a detailed scheme would need to be agreed and secured through prior entry into a planning obligation.
- 7.80 Policy HC11 prescribes a housing mix to meet the Council's housing needs and to create a sustainable, balanced and inclusive communities. Brailsford Neighbourhood Plan policy H1 requires local housing requirements to be met, particularly for 2 and 3 bedroom affordable homes and bungalows. The application proposes that the dwellings will comprise 1, 2, 3 and 4 bedrooled dwellings. The application outline with detailed matters reserved. The application does demonstrate that it would be possible to achieve a suitable housing mix to meet the requirements of the Local Plan and Neighbourhood Plan. If permission is granted

a planning condition to secure an appropriate mix would be necessary, with provisions to agree a different mix, where justified.

7.81 Policy HC14 requires new residential developments of 11 dwellings or more to provide or contribute towards public open space and sports facilities. Policy GSL1 requires developments to provide for a variety of open spaces sensitive the local landscape. The Adopted Supplementary Planning Document (SPD) on Developer Contributions dated February 2020 supersedes the table in policy HC14 as it is based on the updated study from January 2018. This 2018 study concluded that whilst the quantity and quality of open space and recreation facilities across the District are in most cases sufficient the following deficiencies were identified as likely to occur by 2033.

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

7.82 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 75 dwellings is 122m² for children's play provision. The SPD has a requirement for parks and gardens which would amount to 731m². In this rural location a natural green space would be more appropriate than formal parks and gardens as they would reflect the character of the area and bring biodiversity benefits. The SPD also has a requirement for allotments which would amount to 295m². Allotments would be appropriate on this site in principle, particularly given concerns raised over the loss of the former allotments. However the indicative layout does not show sufficient space on this site for the minimum size recommended in the SPD (0.4ha or 4,000m²).

7.83 There would be sufficient space on the site for green space and children's play provision which would be necessary to secure by planning condition, if permission were granted. A financial contribution for allotments would be required which would equate to £4,432.50.

7.84 The application site includes a sufficient amount of land to deliver appropriate open space provision in accordance with the requirements of policy HC14 and the Developer Contributions SPD (2020) as part of any subsequent approval of reserved matters application. This provision can be secured by planning condition and a contribution for allotments can be secured by prior entry into a planning obligation.

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

The Planning Balance

7.86 In the current circumstances the principle of residential development on this site is in accordance with policies S2 and S4 i) of the Adopted Derbyshire Dales Local Plan (2017). However, in this location policy S2 provides for reduced levels of development to safeguard, and where possible, improve the role of the village consistent with maintaining or enhancing key environmental attributes. Policy H1 states that for Brailsford this means supporting small-scale infill development appropriate for the rural setting. The scale of the proposed development is substantial relative to Brailsford and beyond the scale and level of development envisaged by policies S2 and H1.

- 7.87 The application also proposes a commercial development as part of the development. There is no provision within the development plan for commercial development on the site other than rural employment development in accordance with policies S4 c) and EC1. There is no provision for retail development of the scale proposed which would be significant relative to the current size of Brailsford, existing facilities, services and infrastructure.
- 7.88 The indicative scale, extent and layout of the proposed development does not respond positively to the character or the significance of the Brailsford Conservation Area a designated heritage asset. Furthermore, the development does not present any attributes or enhancements to the setting of the Conservation Area. The indicative layout would reinforce the separated nature of the proposed development which would be an intrusive encroachment on this side of the village.
- 7.89 The development will affect the setting of Brailsford Conservation Area and the setting of affected listed buildings wherein including Green Farm (Grade II), Barns South of Green Farm (Grade II), Old Hall Farmhouse (Grade II) and All Saints Church (Grade I). The development would not conserve the setting of the Conservation Area or affected listed buildings. The development will result in significant harm to the setting of the Conservation Area and harm to the setting of listed buildings contrary to policies PD2 and H1.
- 7.90 The relationship of the site and affected heritage assets is an important aspect of landscape character. The development would not result in significant harm to landscape character but would therefore not preserve or enhance the character, appearance and local distinctiveness of the landscape or settlement pattern contrary to policies S1, S4, PD5 and LW1.
- 7.91 The application is therefore determined to be contrary to the provisions of the development plan.
- 7.92 The Council is unable to demonstrate a 5 year housing land supply at this time. The National Planning Policy Framework (NPPF) is a material consideration and paragraph 11 says that in these circumstances the Local Planning Authority should grant planning permission for sustainable development unless:
- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 7.93 The Brailsford Neighbourhood Plan was adopted in July 2021 and therefore forms part of the development plan. The neighborhood plan is now over two years old and does not contain policies and allocations to meet identified housing requirements. Therefore, in accordance with paragraph 14 of the NPPF any conflict with the neighbourhood plan would not be likely to significantly and demonstrably outweigh the benefits.
- 7.94 The harm identified to the setting of Brailsford Conservation Area and the setting of affected listed buildings would be less than substantial and therefore in accordance with Paragraph 202 of the NPPF the harm must be weighed against public benefits.
- 7.95 The development would deliver up to 75 dwellings on the site at a time where the Council is unable to demonstrate a 5 year housing land supply. The development therefore would make a positive contribution to housing delivery. Furthermore, the development would deliver up to 22.5 affordable homes. The development would provide economic benefits during construction and occupation, however these benefits would not be exceptional and to a large degree would be commensurate with any residential development.

7.96 The development would result in enhancement to biodiversity on site in excess of policy requirements. However, at the same time the development would result in the loss of Grade 2 agricultural land (very good quality agricultural land). Policies in the NPPF seek to secure biodiversity net gain while offering protection for the best and most versatile (BMV) agricultural land. This is considered to be a neutral consideration neither for nor against the development.

7.97 Significant weight should be given to the benefits of delivering the scale of market and affordable housing proposed at a time where the Council is unable to demonstrate a 5 year housing supply. However, the scale of the proposed development, visual and landscape impact and harm to the setting of the Conservation Area and affected listed buildings would be significant. In determining this application the Local Planning Authority is obliged to give great weight to and have special regard to the desirability of preserving the Conservation Area, listed buildings and their setting. In that context, it is considered that the harm identified would not be outweighed by public benefits and therefore the presumption in favor of sustainable development set out by paragraph 11 of the NPPF does not apply.

7.98 The application is therefore recommended for refusal.

8.0 RECOMMENDATION

Refuse for the following reasons:

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

9.0 NOTES TO APPLICANT:

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

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

Application form

Indicative Layout Plan 3811 Plan

Site Location Plan – Ref 3811-001 Rev E

Wider Context and Settlement Plan

Proposed Site Access Layout – Ref ADC1294-DR-002 Rev P4

Planning Statement – 3811_PS_V2 dated 08.06.2023

Heritage, Design and Access Statement – 3811_HDAS_V2 dated 08.06.2023

Landscape and Visual Appraisal Rev D
Transport Statement – ADC1294-RP-F V4
Flood Risk Assessment and Drainage Strategy – ADC1294-RP-C-v3
Ecological Impact Assessment (Low Impact EclA) – RSE_6168_R1_V4
Biodiversity Metric 3.1 Calculation Tool
Letter from York Archaeology dated 03.03.2023