

Planning Committee 14th November 2023

APPLICATION NUMBER		23/00229/FUL	
SITE ADDRESS:		Land to the North of Jacksons Ley, Middleton By Wirksworth	
DESCRIPTION OF DEVELOPMENT		Residential development of 57no. dwellinghouses	
CASE OFFICER	Adam Maxwell	APPLICANT	Mr Darren Abbott
PARISH/TOWN	Middleton By Wirksworth	AGENT	Planning & Design Practice Ltd
WARD MEMBER(S)	Cllr Dawn Greatorex Cllr Lucy Peacock Cllr Peter Slack	DETERMINATION TARGET	17.11.2023
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 • 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
<p>That authority be delegated to the Development Manager or Principal Planning Officer to grant planning permission, subject to conditions, and following the completion of a S.106 planning obligation as set out in section 8.0 of the report.</p>

1.0 THE SITE AND SURROUNDINGS

- 1.1 This site straddles the settlement boundary for Middleton-by-Wirksworth. The western most part of the site is allocated for residential development in the adopted Derbyshire Dales Local Plan (2017) with an allocation of 45 dwellings and is located within the designated Middleton-by-Wirksworth Conservation Area. The southern and easternmost part of the site is not allocated for housing.
- 1.2 The site is within an area known as Rise End which is a hamlet of dwellings and other premises centred around the cross-roads at the southern end of Middleton. The site surrounds the recent residential development known as 'Jacksons Ley' on two sides. Jacksons Ley was a former industrial site re-developed to 47 dwellings following the grant of outline planning permission at appeal.

2.0 DETAILS OF THE APPLICATION

- 2.1 The application seeks full planning permission for the erection of 57no. dwellinghouses on the site along with associated access, landscaping and drainage.
- 2.2 The amended plans show that vehicular access would be from Porter Lane (B5035) with a separate pedestrian access onto Main Street (B5023). The proposed dwellings would be of a traditional form, design and materials reflecting the development at Jacksons Ley. Dwellings would front and side onto roads and footpaths and be constructed from a mixture of coursed stone and render under clay tile roofs.
- 2.3 A number of trees and hedges within the site would be removed to facilitate the development with new hedge planting proposed along the boundary with Jacksons Ley and tree planting proposed within the site. Boundary treatments would be a mixture of stone walling and timber fencing to public areas and timber fencing to gardens.
- 2.4 A surface water attenuation basin is proposed in the open area to the south east of the site along with a children's play area (LAP).
- 2.5 The application proposes to provide 30% affordable housing on site including 8 x 1 bedroom flats, 8 x 2 bedroom houses and 1 x 3 bedroom house.





3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan 2017

- S1 Sustainable Development Principles
- S2 Settlement Hierarchy
- S3 Development Within Defined Settlement Boundaries
- S4 Development within the Countryside
- S5 Strategic Housing Development
- 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
- HC18 Provision of Public Transport Facilities
- HC19 Accessibility and Transport
- HC20 Managing Travel Demand
- HC21 Car Parking Standards

3.2 Other:

- The National Planning Policy Framework (NPPF) (2021)
- National Planning Practice Guidance
- Climate Change Supplementary Planning Document (SPD) (2021)
- Developer Contributions SPD (2020)
- Landscape Character and Design SPD (2018)
- Middleton-by-Wirksworth Conservation Area Appraisal (2009).

4.0 RELEVANT PLANNING HISTORY:

2012: 12/00261/OUT: Outline planning permission granted for demolition of existing industrial buildings and redevelopment of site for 47no. residential dwellings and associated access.

2013: 13/00584/REM: Reserved matters granted for demolition of existing industrial buildings and redevelopment of site for 47no. residential dwellings and associated access.

5.0 CONSULTATION RESPONSES

5.1 Middleton Parish Council: Object for the following reasons:

"The revised plans were considered at a meeting held on Monday 9th October 2023 and I am instructed to write to you on behalf of Middleton Parish Council. It was resolved to maintain the objection to the proposal on the following grounds:

It is felt that the number of dwellings proposed is excessive and represents over-development of the site. Concerns have been raised by members of the public about the capacity of the local infrastructure (schools and medical practices, for example) to cope with such a large development. Further concerns have been received regarding access and egress given the volume of traffic on B5035 Porter Lane. The Parish Council shares those concerns.

In our comments to the initial application, we felt the proposed play area was too close to Porter Lane and we urged the applicant to consider positioning it in a safer location within the site. It is welcome to see that the play area has been moved a little way back into the site. It would be useful to be able to see what play opportunities are proposed and for what ages as well as any physical boundaries to separate children from the roads.

It is suggested that Derbyshire County Council reviews the projections for school roll numbers both in the village and for the local secondary school. Should the Planning Committee be minded to permit the development the Parish Council fully supports Middleton Community Primary School's request for a s106 agreement to improve the capacity of the school.

It is suggested that a further planning gain is considered if consent is given for housing on this site, namely a much-needed safe footpath to (at least) the entrance to the Middleton Recreation Ground. This is part of a larger project for the establishment of a continuous footway to the top of Cromford Hill."

5.2 Wirksworth Town Council

"No comment. Wirksworth Town Council has declared a Climate Emergency and therefore any development or change should seek to reduce the carbon footprint."

5.3 Derbyshire Wildlife Trust

"Confirmation has been provided that a District Level Licensing approach will be taken for this site. The signed IACPC has been submitted. No further information is required.

The results of the reptile survey have been presented in the FPCR letter report dated 9th August 2023. No reptiles were recorded during survey, although the surveys were carried out in sub-optimal months. Given the local records of reptiles, we advise that precautionary measures should be implemented during site clearance, including an initial vegetation cut to reduce the suitability of the onsite habitats and a hand search of any refugia features. This can be secured in a Construction Environmental Management Plan (CEMP: Biodiversity).

The results of the bat survey have been presented in the FPCR letter report dated 9th August 2023. No roosts were recorded in B1 on site and no specific mitigation is required in relation to this building. A sensitive lighting plan will be required to safeguard adjacent foraging and commuting habitat for bats. This can be secured via condition.

Current proposals result in a net gain of +0.10 Habitat Units (+1.06%) and +0.96 Hedgerow Units (+132.20%). However, we note that the trading rules of the metric are not satisfied,

with a deficit in medium distinctiveness and low distinctiveness habitats (-2.01 units of other neutral grassland and -0.66 units of ruderal/ephemeral respectively).

The trading rules are a fundamental element of the metric ensuring that it functions properly. The BNG Best Practice Guidelines (CIRIA C776a, 2019) are explicit in the need for trading rules to be met, stating:

“A BNG design should improve the extent or condition of biodiversity affected by a project. It should not result in lost or damaged features being replaced by features of lower biodiversity value. This is regardless of whether a metric shows an increased amount of biodiversity after a project compared with the baseline”.

As such, whilst the headline figures indicate a small, predicted net gain, we would advise that proposals will result in a net loss of other neutral grassland and ruderal/ephemeral vegetation. The intention of the metric is to guide the scheme design to deliver a net gain, in line with the rules of the metric and best practice guidance. Currently, this has not been delivered and we would advise that further consideration is given to fully address the trading rules.

With regards to the proposed landscaping, we recommend that liquid amber trees should be swapped for a more suitable native species, in keeping with the local landscape character. We also note that existing vegetation along the eastern boundary looks to be retained but there is nothing specified here on the detailed landscaping plans. Is it possible to strengthen / gap fill this boundary with native scrub, hedge or tree planting? We also query if the native scrub could extend around the rear of the pump station?

Notwithstanding the issue regarding the metric trading rules and the minor comments on landscaping, we advise that the following conditions area attached to any consent:”

5.4 Education Authority

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

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

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

The number of pupils that the development is expected to generate is calculated using the formula that for every 100 dwellings there will be 24 primary, 20 secondary and 8 post-16 pupils. This formula is based on a statistical assessment of birth rate and housing occupancy data in Derbyshire using information from the 2011 census. In calculating the pupil yields one-person households have been omitted. This reflects the fact that one-bedroom dwellings are omitted from the assessments of need contained in consultation responses. The pupil yield employed in the SEND assessment reflects the proportion of Derbyshire pupils being educated within Special Schools as well as Enhanced Resources within mainstream schools.

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

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

Primary Level

The proposed development falls within and directly relates to the normal area of Middleton Community Primary School. The proposed development of 57 (discounting 8 one bed) dwellings would generate the need to provide for an additional 6 infant and 8 junior pupils.

Middleton Community Primary School has a net capacity for 84 pupils, with 93 pupils currently on roll. The number of pupils on roll is projected to decrease during the next five years to 65.

An evaluation of recently approved major residential developments within the normal area of Middleton Community Primary School shows no new developments and therefore no additional primary pupils.

Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area primary school would have sufficient capacity to accommodate the 6 infant and 8 junior pupils arising from the proposed development.

Secondary Level

The proposed development falls within and directly relates to the normal area of Anthony Gell School. The proposed development of 57 (discounting 8 one bed) dwellings would generate the need to provide for an additional 16 secondary pupils including post-16.

Anthony Gell School has a net capacity for 797 pupils with 835 pupils currently on roll. The number of pupils on roll is projected to decrease to 774 during the next five years. An evaluation of recently approved major residential developments within the normal area of Anthony Gell School shows new development totalling 12 dwellings, amounting to an additional 3 secondary pupils.

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

Mitigation

The above analysis indicates that there would be no need to mitigate the impact of the proposed development on school places in order to make the development acceptable in planning terms. The County Council therefore requests no financial contributions.

Libraries

The County Council has included Libraries in its review of the Developer Contributions Protocol. Where a proposed development is over 50 dwellings, contributions will be requested to mitigate the additional demand on library services in order to maintain the statutory responsibility and vision for libraries.

Wirksworth Library is the nearest library to this site, however, no capital improvements to Wiksworth Library are required as a result of this development proposal.

However, where a library building is able to accommodate the extra demand created by a new development but it is known that the stock levels are only adequate to meet the needs of the existing catchment population, a “stock only” contribution will be sought.

The National Library Standard upper threshold as cited in Championing archives and libraries within local planning recommends a stock level of 1,532 items per 1,000 population, with the average price of £20.00 per stock item (based on Askews Library Services book prices at May 2019).

In this instance a stock only contribution of £4,000 is sought.”

5.5 Environment Agency

No comment.

5.6 Force Designing Out Crime Officer

“In respect of the greater site permeability there is no definition of any walkway along the shared driveway for plots 26-30, consequently inadequate definition of public/private space. The public route here should be defined and separated by a boundary fence as with the other walkways on site.

Lighting for communal parking areas and driveways is not raised. To be conditioned? This would now include the newly formed public walkways. Solar bollards may be suitable for these areas.

The boundary between plots 1, 5, 6, 12 and the neighbouring site is now shown with a fenced boundary, but there is a gap between plots 5 and 6 which needs to be enclosed. Hit and miss fencing is still proposed for all inter-boundary fencing.”

5.7 Fire Safety Inspecting Officer

“No objections subject to the following:

- Access for emergency service vehicles during the construction of the dwelling houses is provided in accordance with approved Document B (Vols 1 and 2) Section B5.
- Site details should be provided to Derbyshire Fire & Rescue Service with contact details and expected timeframes for the build.
- A Building Regulation Consultation should be submitted for the new build dwellings at the earliest opportunity.”

5.8 Highway Authority

The Highway Authority has asked for street trees to be introduced; however, the Local Planning Authority has determined that they would prefer to see landscaping addressed elsewhere in the scheme and is satisfied that this can be conditioned accordingly.

In this circumstance the Highway Authority accepts that the application is within the spirit of the NPPF. With the design matter now resolved there are no objections to the proposal subject to conditions.

5.9 Historic England

“Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers.”

5.10 Lead Local Flood Authority

“The Lead Local Flood Authority (LLFA) has reviewed the information submitted for this application, which was received on 10/08/2023, with additional information received in September and October. The LLFA has no objection subject to the conditions below.”

5.11 Natural England

No objection.

5.12 NHS Derby and Derbyshire Integrated Care Board

The development is proposing 57 (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 142.5 (B) (2.5 x A).

It is unlikely that NHS England or NHS Derby and Derbyshire 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;

- Hannage Brook Medical Centre
- Crich Medical Practice
- Limes Grove Medical Centre
- Imperial Road Surgery

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 £51,300.

5.13 DDDC Conservation Officer

“The site forms an ‘L’ shaped plot to the immediate north side and east side of the existing residential development known as Jacksons Ley (2014/15). The northern part of the site is within the Middleton Conservation Area and the eastern section is outside the Conservation Area but immediately abutting its boundary.

The site developed by Jacksons Ley was a former industrial (brownfield) site within the Conservation Area. The green field immediately to the north (only) was included in the

Derbyshire Dales Local Plan (2017) as an allocated residential housing site. The land to the eastern side was not included in that housing allocation site. The proposed development site contains some historic mining evidence and features. The application is for the erection of 57 No. residential dwelling houses and associated infrastructure and services.

As a relatively large volume housing development the layout, design, form, materials and detailing of the Jacksons Ley scheme went through many iterations resulting in the completed scheme that is seen today. As a prominent site on the eastern entry to Middleton significant design, orientation and character considerations were given to the eastern end of the development site as the interface of development forming an important edge or termination to the village settlement and its surrounding and immediate context. In the knowledge that the field to the north of Jacksons Ley had been allocated for housing, the layout of Jacksons Ley was conceived on the basis that the main axial roadway of the development would allow an access point into this northern section of land. Furthermore, the housing layout and configuration on the northern boundary of the Jacksons Ley site was carefully designed in the (future) anticipation of further development of this field to the north.

In general terms the layout of the development has been improved with an organic layout/pattern and a sense of streetscapes through the development.

The curving, new, entrance access road is the key element of the development. This overlooks an open area of land (containing an attenuation pond and new planting). This initial street scene is the public face of the new development. It is considered that the proposed layout and grouping of the properties gives a relatively tight and village-scape character and appearance.

The street scene facing the existing development, on the northern side of the existing site, is considered acceptable and retains a green space opposite the (intended) link through road to the land beyond giving a vista/view towards the tree band to the northern boundary of the site.

A further green space is included adjacent to the current green space to the north-west part of the site and the single-storey properties here will display a lessening in the mass of the built development.

In terms of the design of the properties, there is now a stronger assimilation to the existing development of Jacksons Ley and this will assist in co-ordinating and harmonising the overall development.

With regard to materials, the current Jacksons ley development provides adequate 'samples' of all materials to match/suite through to the new development. This includes the type, coursing, character and mortar etc. for the limestone cladding, quoins, window and door surrounds, render texture, type and finish (inc. colour), roof covering, brickwork and chimneystack detailing. It will be important that all the existing materials and detailing etc. from the Jacksons Ley development are continued and replicated in the new development.

With regard to landscaping the images appear to show that low hedging will be used to bound the properties along the new entrance road to the development site. This is considered wholly inappropriate and the existing drystone limestone wall (which currently terminates at No. 21 Jacksons Ley) should be continued in the same character and height and run in front of Plots 1 to 12 and Plots 13-16. The inclusion of a drystone limestone wall (with small pedestrian gates) will form a strong and hard boundary, reminiscent of the character and appearance of the area, and harmonise and connect the new development with the existing development."

5.14 DDDC Environmental Health

“The submitted noise assessment shows low impact and together with the layout should be sufficient to protect the amenity of any future occupiers.”

Recommend that conditions are attached in regard to contaminated land and construction hours.

5.15 DDDC Neighbourhood Manager

“In terms of contribution, I understand this to be:

- Parks and Gardens = £8,327.70
- Children's Play = £9,695.70
- Allotments = £3,368.70

Total £21,392.10

Please can you allocate this to Middleton Recreation Ground, Bolehill Recreation Ground, Wirksworth.”

5.16 DDDC Director of Housing

“The proposed mix of affordable homes reflects local need. The floor area of the proposed affordable homes is satisfactory.

I could not find information in the application relating to tenure of the affordable homes. I would anticipate this scheme should provide 80/20 split in favour of social rent to shared ownership.

I would recommend that 8 x 1 bed flats, 4 x 2 bed houses and 1 x 3 bed house are provided as rent and 4 x 2 bed houses are provided as shared ownership. This mix should be based on the plot numbers set out on the plan, specifically the shared ownership units should comprise one block in order to make it easier for a registered provider to make an offer to buy, market and manage the affordable homes.”

5.17 DDDC Policy

“Part of the site is allocated under Policy HC2(x) in the Derbyshire Dales (adopted) Local Plan 2017 and therefore the principle of housing development has been established on this part of the proposed site. However, there are a number of outstanding issues that need to be addressed as part of this application. The applicant has not set out any evidence to support a deviation away from the housing mix criteria of Policy HC11. Further information should be submitted by the applicant in this regard. It will be down to the applicant to justify by way of evidence that demonstrates why the prescribed housing mix in Policy HC11 is not achievable. Further advice should be sought from the District Council's housing team with regards to housing need in Middleton. The applicant has not set out any site-specific circumstances that explain why self-build plots cannot be made available as part the development in accordance with Policy S3.

Further advice should also be sought from Derbyshire Wildlife Trust regarding the extent of the area of biodiversity loss and if any mitigation measures can be implemented that achieves biodiversity net gain. Further details should be sought from the applicant with regards to a plan to address any Biodiversity Net Gain that is proposed off site and securing an off-site contribution through a S106 agreement.

There has been no developer contributions referenced as part of the proposals, which may need to be addressed as a direct impact from the development, as set out in the Derbyshire Dales Developer Contributions SPD. The Developer Contributions SPD sets out that full fibre broadband connectivity with speeds up to 1000mbps should be sought within new housing development sites, also healthcare or education provision should be addressed as part of the proposals.”

5.18 DDDC Trees and Landscape Officer

“Protected trees

The site and its immediate surroundings are not currently subject to DDDC Tree Preservation Order but do lie within a conservation area. There are no recognised veteran trees or ancient woodland close enough to the site to be adversely affected by the proposals.

Arboricultural Impact Assessment

An Arboricultural Assessment report has been submitted. The report identifies numerous tree removals would be required to accommodate the proposed site layout. While the majority of these are considered acceptable, I have concerns regarding the following tree-related issues:

H1 and G8 – this linear arboricultural feature along part of the southern boundary of the site delineates a historic field boundary within the conservation area and though some of it appears to be relatively recently planted it forms a useful landscape feature which I recommend should be retained.

T29, T30, T31, T32 – these individual trees form a linear arboricultural feature consisting of individual mature hawthorn trees running across the site. They are probably remnants of a hedgerow, along an historic field boundary in the conservation area. I recommend that these be retained along with the drystone wall alongside which they are located. The wall should be retained and repaired using local stone of the same type and in the same style. Some redesign of the proposed site layout would be required to achieve this but if it could be achieved then it would allow retention of a valuable historic and arboricultural feature in the conservation area. The significant size and maturity of the hawthorns would provide continuity of some mature tree cover within the development with the associated multiple benefits this would deliver which is not quickly replaced by new planting.

G2 – some proposed plots (12, 6, 5 and 1) are considered too close to this continuous linear group of mature trees along the boundary of the adjacent recent development. Buildings are proposed to be positioned right up to the edge of the root protection areas and canopy spreads of these trees. The trees are 17m tall and have potential for further growth in terms of both height and (particularly) canopy spread and lie to the west of the buildings and gardens. These trees are likely to cast significant shading over them, which will become more widespread and deeper in the future. I consider that the proximity of the dwellings and gardens will likely lead to pressure to prune / remove these trees to alleviate shading and real / perceived risk of damage to property or personal harm from failed branches or trees. I recommend that the proposed site layout in this area be redesigned to move the buildings significantly further from the trees to respond to these issues.

Tree Protection

The submitted Tree Protection Plan indicates proposed locations for temporary tree protection fencing. Given my concerns above, this plan should be reviewed to respond to

additional tree retentions and to ensure that the entirety of all root protection areas are enclosed within the fencing. I recommend that this should be submitted for approval pre-determination.

It is unclear whether any development or site activity would be required to encroach within the root protection areas of retained trees. I recommend that this should be clarified and if it is required then a detailed Arboricultural Method Statement should be required to be submitted for approval. This could be required to discharge a condition to any grant of planning consent.

Landscape impact

The proposed development is relatively large and within undeveloped agricultural land at the edge of a village in a conservation area. I therefore recommend that a Landscape Architect be consulted for their advice regarding impact within the landscape.

Proposed soft landscaping

This is considered to be satisfactory. The proposed tree planting adjacent the parking spaces for plots 30, 31 and 32 appears to be problematic. The rooting area available for these trees appears insufficient due to the roots likely being unable to grow in the compacted substrate under the surrounding hard surfaced car parking places. These trees would likely die or fall if simply planted into such a narrow strip of soil. I recommend that these trees be planted using appropriately specified planting soil cells (eg GreenBlue Arborsystem, or similar) to mitigate this. Details to be submitted for approval as a condition to a grant of planning consent.”

5.19 DCC Archaeologist

“The site has ample evidence for historic lead mining which is adequately summarised in the applicant’s archaeological desk-based assessment. This document provides a walkover survey and has consulted an appropriate range of historic mapping.

Shafts are visible on historic mapping for the latter part of the 19th century, with Jackson’s Mine marked just beyond the northern site boundary. Spoil mounds are also present, and a miner’s coe and probable belland yard are shown on the historic mapping, with some evidence for a walled structure identified in the walkover. Jackson’s Mine is known to have been working in the later 19th century and it is probable that the shafts and other features within this site are associated with this venture. There is no map evidence to suggest earlier activity at the site – although earlier unrecorded workings could be present – and the LiDAR suggests that the earthworks do not survive particularly well above ground, being manifest as extensive and rather diffuse mounds.

All this goes to suggest that the lead mining evidence is of local importance and relatively late date. It does nonetheless have significance as part of the extensive lead mining landscapes of the White Peak, which would be lost should the site be developed, with impacts additionally to the underground resource if grouting of voids is proposed as a means of treatment. These remains should therefore be recorded appropriately under NPPF para 205 should the application gain consent, and this should be secured by planning conditions.”

5.20 Cllr Peter Slack

“After Studying planning application for 57 dwelling north of Jackson Lees on extended area which includes an area which is in the local plan and two areas which are not the local plan.

Also looking at the design it could be considered that 57 dwelling is over development, also there would have to be drainage sorted out, as they could be flooding next to Sandy Business Park perimeter.

The local Middleton School is successful school and I believe is very full and 57 new Dwellings, could lead to number of children going to Wirksworth North End school.

Also the proposed play area at the far corner of the site is close to Potter Lane main Matlock-Ashbourne road, could be considered in dangerous position.

Also looking at general improvements to the area at this eastern corner which is next to the Sandy Hill service road and also the next field is next to the recreation ground footpath. One suggest which could be put to Woodall Homes or DCC Highways if 1.5 meter of the field next and below potter Lane was purchased it would make good and safe access to the recreation ground for residents and children of Jackson Lees and Rise End. Also across from the recreation ground entrance is the large grass verge going all the way along the front of the Stone centre and past the entrance to Stone Centre - Mount Cook and onwards on the grass verge towards the corner were just over the fence there is a footpath which links to the old potter lane, (now service road to Steeple Grange, light railway) and this could be developed into a safe footpath from Steeple Grange to Rise end and which results in bitter bus connection. There would have to be safe crossing over Porter Lane and Extend the 30 mile an hour restrictions.

Please Consider the points I've put forward."

6.0 REPRESENTATIONS RECEIVED

6.1 14 representations have been received to date. 13 object to the application and 1 makes general comments. The material planning issues raised are summarised below:

- a) The development will result in noise, dust and disruption during the construction process.
- b) The development will result in noise once occupied which will harm the character of the area.
- c) Occupants of the development will be impacted by noise from the industrial estate.
- d) The development will result in light pollution.
- e) The development will adversely affect wildlife on the site.
- f) The development will harm trees on and adjacent to the site.
- g) The development is within close proximity to a nature reserve.
- h) The development will affect archaeology on the site related to the former use for quarrying, lead mining and processing.
- i) The valley location of the site means it is visible from the higher surrounding land and scenic areas. Access is along the route to economically valuable leisure and tourist amenities. The proposed density of the development at more than double the policy allocation could be detrimental to views from surrounding landscape.
- j) The development would result in an increase in traffic on the local highway network.
- k) The development would harm highway safety.
- l) Occupants of the development will not be able to rely on public transport to travel.
- m) There is insufficient parking within the development.
- n) The development would result in off-street parking and congestion within the site and local area.
- o) Query if the development could take access from the existing access to the industrial estate.
- p) The policy allocation is adequate.
- q) The development will result in the loss of green space.
- r) The development will harm the Conservation Area.

- s) The development will harm the character and appearance of the area.
- t) The development will harm the amenity of neighbouring properties.
- u) The development will result in the loss of Middleton of a village and will become an extension of Wirksworth.
- v) The development will result in increased pressure on local schools and facilities for children.
- w) There is insufficient availability for healthcare including local doctors and dentists.
- x) The proposed play provision is insufficient.
- y) The development will result in increased crime.
- z) The development will result in increased surface run off of water and flooding.
- aa) The development at Jacksons Ley was on previously developed land whereas the proposal is on fields.
- bb) The density of the development is not compatible to that of Jacksons Ley or other parts of Middleton.
- cc) The development is unevenly spread with most of the houses being crammed into the area north of Jacksons Ley. The density of housing at this end is therefore much higher.
- dd) The proposed design is inappropriate.
- ee) The proposed dwellings should be provided with chimneys to reflect the development at Jacksons Ley and the village.
- ff) The layout should be open and spacious throughout.
- gg) Landscaping should be phased to ensure that it is provided as soon as possible.
- hh) The proposed landscaping is not appropriate.
- ii) The properties should be provided with larger gardens.
- jj) The submitted plans do not show solar panels to the properties.
- kk) There is ground contamination on this site.
- ll) Inaccuracies in submitted application.
- mm) Question accuracy of submitted Transport Statement.
- nn) Street lighting of Middleton Road should be considered if permission is granted.
- oo) Japanese knot-weed has been sited on the land and should be dealt with as soon as possible to prevent spores spreading to adjoining land.
- pp) Query what the impact of the development upon the postal service and rubbish collection would be.
- qq) Query if electricity poles running through the site will be removed.
- rr) Diseased cattle may have been once buried on the land and there is concern that earthworks related to the development could result in a public health hazard.
- ss) A planning condition should be imposed on any permission to ensure that swift nest boxes are incorporated into the development.

7.0 OFFICER APPRAISAL

- 7.1 This application seeks full planning permission for up to 57 dwellings along with associated access, landscaping and drainage.
- 7.2 Section 38(5A and 5B) of the Planning and Compulsory Purchase Act 2004, as amended by the Levelling Up and Regeneration Act 2023, requires that where in making any determination under the planning Acts regard is to be had to the development plan, the determination must be made in accordance with the development plan and any national development management policies taken together, unless material considerations strongly indicate otherwise. Section 5C states that if, to any extent, the development plan conflicts with a national development management policy, the conflict must be resolved in favour of the national development management policy.
- 7.3 The Council is unable to demonstrate a 5-year housing land supply at this time. Paragraph 11 of the NPPF 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.
- 7.4 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:
- 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

- 7.5 The site is located partly within and partly outside the settlement boundary for Middleton-by-Wirksworth. The northern part of the site is allocated for residential development under policy HC2. The site has the reference number HC2(x) and has an allocation of 45 dwellings. The rest of the site is outside of by adjacent to the settlement boundary and is not allocated for housing.
- 7.6 The principle of housing on the allocated site is established by policy HC2. Outside of defined settlement boundaries and allocated sites 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. Middleton-by-Wirksworth is a tier three settlement.
- 7.8 The application site is located adjacent to the recent development known as 'Jacksons Ley' which is located east of the area known as Rise End which is the hamlet of dwellings and other premises centred around the cross-roads at the southern end of the village.
- 7.9 Therefore, in principle, residential development of the whole of the application site, including the land outside of the allocation would in the current circumstances be in accordance with policies S2 and S4 i) of the Adopted Derbyshire Dales Local Plan (2017). The main issues are the impact of the development, whether the development would meet policy requirements for affordable housing, housing mix and developer contributions and the planning balance taking into account the presumption in favour of sustainable development set out by paragraph 11 of the NPPF.

Impact on cultural heritage

- 7.10 The site comprises open fields within and adjacent to the designated Middleton-by-Wirksworth Conservation Area (CA). The site is located within Rise End which is the hamlet

at the crossroads of the two old turnpike roads. In the area around Rise End, development is broken up by open areas which include the application site.

- 7.11 Policy 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) listed buildings, conservation areas, archaeological sites or heritage features and non-designated heritage assets.
- 7.12 The site is partly within the CA and therefore is within and affects the setting of a designated heritage asset. The Local Planning Authority is obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA when determining the application.
- 7.13 A revised Heritage Impact Assessment (HIA) has been submitted with the application. The HIA acknowledges that the site is located partially within the CA along with the wider history of the settlement and its relationship with the surrounding landscape. The HIA also identifies a number of listed buildings which enjoy a setting relationship with the site including the milestone on Porter Road (Grade II), 10 and 11 Rise End (Grade II), Rise End Railway Bridge (Grade II), Middleton Church of Holy Trinity (Grade II) and Middleton Top winding engine house and wheel pit (Scheduled Monument).
- 7.14 The HIA also identifies a number of non-designated heritage assets around the site including Wirksworth Moor to Longstone Turnpike Road, Long Barn or Bedlam Barn, Mineral Railway Middleton / Steeple Grange, Limekiln Close and ridge and furrow enclosed fields to the east and south of the site.
- 7.15 The HIA states that the design of the allocated portion of the development has taken account of local distinctive character, through the 'clustered' layout of buildings, incorporation of green spaces, simple building forms and design. The eastern part of the site outside of the allocation is acknowledged to form part of the wider setting of the CA but the HIA considered that it is read in the context of the Jacksons Ley development and the allocated site.
- 7.16 The HIA concludes that a landscape buffer has been incorporated to extend the full length of the eastern boundary of the site and that a key aspect of the design approach is to provide an eastward facing development, overlooking the green space while reflecting the village edge elsewhere in Middleton. The HIA concludes that the eastern portion of the development is responsive to local character and will essentially appear as an extension to the Jacksons Ley development and will not harm the setting of the CA.
- 7.17 The Jacksons Ley development was laid out to provide access to the land to the north. However, the applicant has indicated that there is no right of access from the site from Jacksons Ley hence the proposed access. In any case this application must be considered on its own merits.
- 7.18 The application site comprises open fields which are acknowledged as providing breaks between existing development and views into and out of the CA. The northern part of the site has been allocated for housing and therefore the principle of 45 dwellings on this part of the site has been accepted by the District Council. The eastern part of the site is not allocated, and this field is open with mature tree and hedge planting along the boundary with Jacksons Ley providing a buffer and edge to the settlement.
- 7.19 The development of the eastern part of the field would allow built development beyond the existing settlement boundary and into the open field. This will inevitably impact upon the

open rural character of the area, the setting of the CA and the transition from the village to the surrounding countryside.

- 7.20 As originally submitted, there were significant concerns with the proposed design and layout which included an inappropriate layout which did not reflect the form or character of buildings within the village or the local area. Officers have therefore worked positively with the applicant on the layout, form and design of the development. The revised layout better reflects traditional forms found within the village and the development at Jacksons Ley. The revised layout has a more organic pattern and sense of street scape through the development and would not be dominated by the private car.
- 7.21 The proposed layout has been designed to be viewed as an extension of the development at Jacksons Ley. The form, detailing and massing of the proposed buildings reflects those at Jacksons Ley and the proposed roads, paths and open spaces continue out from Jacksons Ley. Hard and soft landscaping have also been carefully considered to reflect traditional boundary treatments and provide a sense of enclosure and separation between public and private space.
- 7.22 Notwithstanding the improved layout and design the development of the easternmost field will change the character of the settlement by extending it significantly to the east and away from the north south axis of the village. The development would also extend the edge of the village beyond the established tree and hedge planting at Jacksons Ley up to the access to the industrial estate.
- 7.23 The open fields which comprise the site break up Rise End and the proposed development will change this character. The development therefore will result in a degree of harm to the CA and its setting. The setting of affected listed buildings, scheduled monument and non-designated heritage assets would not be harmed given the distance of the site and the way in which they are experienced in relation to the development.
- 7.24 The harm identified would not result in substantial harm to or total loss of the CA. Therefore, in accordance with paragraph 202 of the NPPF the harm should be weighed against the public benefits of the proposal. It should be noted that the CA is a protected asset for the purpose of paragraph 10 d) of the NPPF. Therefore, if the impact of the development upon the CA provides a clear reason for refusing the development then the presumption in favour of sustainable development does not apply.
- 7.25 The development would not conserve the CA, however, the design of the development has been carefully considered to reflect and respect the character of the village and the development at Jacksons Ley while providing a high quality design and urban form. The development would in effect create a new built edge to this part of the settlement. In this respect the impact of the development upon the CA and its setting has been minimised as far as practicable.
- 7.26 Nevertheless, while harm would low and mitigated by the design, the development would not conserve the significant of the CA. This impact must be taken into account and weighed in the planning balance bearing in mind the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
- 7.27 The County Archaeologist advises that the site has ample evidence for historic lead mining which is adequately summarised in the submitted archaeological desk-based assessment. The lead mining evidence is of local importance and relatively late date. It does nonetheless have significance as part of the extensive lead mining landscapes of the White Peak, which would be lost should the site be developed, with impacts additionally to the underground resource if grouting of voids is proposed as a means of treatment.

7.28 The application is supported by an archaeological assessment, and this is sufficient for implications of the development to be understood in accordance with policy PD2 and the NPPF. Having regard to advice from the County Archaeologist if planning permission is granted a pre-commencement planning condition would be reasonable and necessary to ensure that the development is carried out in accordance with an approved Written Scheme of Investigation (WSI) to mitigate impacts upon and record archaeology, as appropriate.

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

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

7.30 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.

7.31 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.

7.32 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.

7.33 The application site, is located within the White Peak Landscape Character Area (LCA) and within the Limestone Plateau Pastures Landscape Character Type (LCT).

7.34 This is a gently rolling upland plateau with limestone outcrops on hill summits and steeper slopes, small shelter blocks on plantation woodland and tree groups around villages and farmsteads with medium to large fields enclosed by dry-stone walls. In this landscape there are nucleated limestone villages with isolated farmsteads, historic lead mining, isolated field barns and expansive views over the open landscape.

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 Landscape Sensitivity Study (2015) assessed the sensitivity of the landscape to accommodate new housing development. The majority of the landscape around Rise End and Middleton is judged to be of high sensitivity, however, the application site is located within an area of medium sensitivity. The site and the immediate surroundings while open fields that are important for the setting of the village do not make any significant contribution to scenic beauty nor wildness or tranquillity.

7.37 The LVA also demonstrates that the site is visually well contained in the wider landscape and local area through screening by mature woodland to the north of the site, rising land to

Middleton Moor to the west, the existing development at Jacksons Ley. The main visual impact of the development would be from Porter Lane and in all views the development would largely be read as an extension or against the backdrop of the development at Jacksons Ley. There are expansive views from Middleton Moor and from here the development would be seen extending into the fields around Jacksons Ley. Nevertheless, the development would be viewed as an extension to that development and the fields, trees and former quarries beyond would remain providing a break between Middleton and Wirksworth.

- 7.38 Concern has been raised about the density of the development in relation to Middleton and the development at Jacksons Ley. Middleton is a traditional nucleated village characteristic of the limestone plateau. Properties within the village are generally tightly knit with small gardens with a dense urban form. The development at Jacksons Ley is also high density reflecting this character with properties forming traditional ranges and fronting the highway, internal roads and open spaces.
- 7.39 The allocated part of the application site reflects this with a relatively high density, the intention being that any development would reflect and respect Jacksons Ley. This application proposes more dwellings than the allocation but on a significantly larger site. The proposed development is laid out so that the denser elements are adjacent to Jacksons Ley with open areas within the site and on the eastern edge. The form and density of the development therefore reflects and respects the character of the village, landscape character and the character of the development at Jacksons Ley.
- 7.40 The site is sensitive in landscape terms and in terms of the setting of the CA. The development would result in less than substantial harm to the setting of the CA as outlined above and would result in a visual impact in the landscape. The visual impact of the development would be mitigated by the fact that the development would be viewed against and as an extension to the development at Jacksons Ley. The development would have a more limited impact upon landscape character given the location and visibility of the site.
- 7.41 Therefore, while the development would result in a visual impact in conflict with the requirements of policies S1, S4 and PD5 it would not result in harm to either the local distinctiveness of the landscape or landscape character. This impact must be taken into account and weighed in the planning balance.

Transport and Impact on Highway Safety

- 7.42 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.
- 7.43 The application is supported by a Transport Statement (TS) which concludes that site is located in close proximity to Middleton and Wirksworth and that occupants would have several options to travel by non-car sustainable modes. This includes close proximity to bus stops and local bus services, walking and cycling. The TS states that there has been 3 recorded accidents within the most recent 5 year period. Two accidents were classified as slight and one was fatal. None of the accidents were related to highway infrastructure and the TS concludes that there is no existing safety issue that could be exacerbated by the proposed development.
- 7.44 The TS includes speed surveys and concludes that the proposed access would be provided with sufficient visibility such that the development would not result in harm to highway safety. The level of additional traffic related to the development would not be significant and would not result in a severe impact upon the road network.

- 7.46 The Highway Authority have been consulted and have provided comments on the submitted application and TS. The Highway Authority requested further information and that the access be moved slightly to ensure separation from the existing accesses to Jacksons Ley and the industrial estate. These amendments have been made. The Highway Authority therefore raise no objection to the application either on highway safety or sustainable travel grounds subject to the imposition of planning conditions.
- 7.47 Having visited the site and had regard to the submitted TS, representations and consultation response from the Highway Officer, the application has demonstrated that safe access could be provided and that the development would not harm highway safety in accordance with policies S4 r) and HC19.

Impact on amenity of neighbouring properties

- 7.48 The nearest neighbouring residential properties are within the development at Jacksons Ley and on the east side of Main Street.
- 7.49 The development would result in the erection of 57 dwellings on site along with associated gardens, open space, roads noise, lighting and activity. The development therefore would result in a change to the outlook of neighbouring properties, particularly those on the edge of the Jacksons Ley development who have aspects to the open fields. Nevertheless, the submitted drawings show that there would be satisfactory relationships and separation distances from all neighbouring properties.
- 7.50 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 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.
- 7.51 The development would result in some impact in terms of noise, dust and disturbance during construction. However, this is the case with any development and can be satisfactorily controlled subject to planning conditions.
- 7.52 The application is supported by a noise assessment which demonstrates that noise from the industrial estate would not harm the amenity of occupants of the proposed development or cause a statutory nuisance. The Environmental Health Officer has confirmed that the submitted report is acceptable and that no noise mitigation is required.
- 7.53 Therefore, subject to conditions the application does demonstrate that the development can 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

- 7.54 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.

- 7.55 The application is supported by a climate change statement (CCS). The statement concludes that the development is sustainable in terms of promoting sustainable transport. The proposed dwellings have been orientated such that they provide good internal lighting and can be adequately ventilated with natural shading through orientation and trees. The dwellings are designed to incorporate solar panels and would be built with high levels of insulation, efficient heating systems and high efficiency windows. The development would also incorporate locally sourced and sustainable building materials. Each dwelling would be provided with a 22kW charging point for an electric vehicle.
- 7.56 The site is sustainably located in terms of distance from the town centre and availability of public transport. The application also demonstrates that 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. The applicant has indicated the intention to install microgeneration as part of the development but that the precise nature and location these measures is unknown at this point and will depend upon the best available technology at the time. If permission is granted therefore a planning condition would be recommended to ensure that a detailed scheme is agreed and installed.

Flood risk and drainage

- 7.57 The whole site is located within Flood Zone 1 which is described as land having a less than 1 in 1,000 annual probability of river or sea flooding. The site is therefore at low risk from flooding. The application is for major development and therefore a Flood Risk Assessment (FRA) has been submitted with the application.
- 7.58 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.
- 7.59 The FRA includes a drainage strategy and has been amended following discussions with the Lead Local Flood Authority (LLFA). The drainage strategy concludes that surface water would drain to surface water sewers within the site and then to storage assets on the site. Hydro-brake flow controls would be installed to ensure that the storage assets fill up simultaneously. The on-site storage would then discharge to an existing highway drain along Porter Lane at a controlled rate. The proposed surface water network has been designed up to the 1 in 100 year storm event, plus a 40% allowance for climate change and a 10% allowance for urban creep.
- 7.60 Foul water would be to the main sewer which is acceptable and in accordance with Planning Practice Guidance. This would mitigate risk of pollution of the water environment in accordance with policy PD9.
- 7.61 The Environment Agency (EA) and Lead Local Flood Authority (LLFA) have been consulted. The EA raise no objection to the development. The LLFA have requested amendments to the submitted drainage strategy and additional information which has been provided. The LLFA raise no objection to the amended drainage scheme subject to planning conditions to ensure approval of a detailed scheme, implementation and validation.
- 7.62 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 floor 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.

7.63 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

7.64 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.

7.65 The application is supported by an ecological assessments, biodiversity net gain assessment an Arboricultural Assessment and Statement.

7.66 The Arboricultural Assessment identifies a number of category A, B, C and U individual and tree groups within the site (including hedgerows). None of the trees are ancient or veteran trees or subject to a tree preservation order (TPO) but the trees within the Conservation Area are protected by that designation.

7.67 The report identifies that no category A trees would be removed, 1 category B tree would be removed along with 3 category B groups. All 23 category C trees would be removed and one category C group. All category U trees would be removed. The application proposes replacement tree and hedge planting.

7.68 The Tree and Landscape Officer raises no objection to the removal of the majority of the identified trees concern has been raised in regard to some elements including H1 and G8 which form a linear feature along part of the southern boundary and T29 - T32 which together form a linear feature running across the site. Concern has also been raised in regard to the impact of development upon G2 which is located on the eastern boundary of Jacksons Ley.

7.69 Officers have discussed the linear features with the agent, however, these would need to be removed to facilitate the proposed layout. Replacement tree and hedge planting will be carried out along this boundary, and this is considered to be acceptable. The group G2 would be retained and is important running along the eastern boundary of Jacksons Ley. Officers have discussed the impact of development within the root protection area (RPA) of these trees with the agent and minor amendments to layout have been made to mitigate impacts further.

7.70 Concerns have been raised in representations in regard to the impacts upon trees and hedgerows. The application does propose to remove a number of individual and group trees, but these are reasonably necessary to facilitate the development. The majority of high and moderate value trees and groups would be retained, and the application proposes a high quality scheme of landscaping, including replacement tree and hedge planting, which once established will mitigate impacts. If permission is granted planning conditions would be recommended to ensure the development is carried out in accordance with the submitted assessment, tree protection and retention measures along with landscaping.

7.71 There are multiple sites with national and international level designations identified within 2km and 5km of the site respectively. Most notably of these is Gang Mine Special Area of Conservation (SAC), Site of Special Scientific Interest (SSSI) and Local Nature Reserve

(LNR) within 250m of the site to the east. The potential for effects on Gang Mine SAC arising as a result of traffic derived air quality effects was considered in the adoption of the Local Plan. The Appropriate Assessment identified that the effect on nitrogen deposition would not be significant. The development would therefore not result in adverse effects of increased traffic on air quality on Gang Mine SAC. It is also concluded that the development would not lead to any adverse effects in regard to urban effects.

- 7.72 In addition to Gang Mine, Colehill Quarries and Rose End Meadows SSSI are located within 1km of the site. However, no potential impacts are identified in relation to residential development. Several non-statutory designated sites are also identified within 1km the closest of which is Anvil fields LWS. Derbyshire Wildlife Trust (DWT) and Natural England have been consulted on the application and raise no objection in regard to designated sites. Given the proximity of the development to multiple sites it is considered necessary to require a Construction and Environment Management Plan (CEMP) to ensure that there are no direct or indirect impacts to sites.
- 7.73 The application demonstrates that there are no features of high nature conservation value or designations at the application site. The application would result in an overall biodiversity net gain of 0.10 Habitat Units on site (1.06%) and 0.96 Hedgerow Units (132.20%). DWT advise that biodiversity net gain (BNG) trading rules would not be satisfied because there would be a deficit in medium distinctiveness habitats and low distinctiveness habitats. However, the development would result in an overall biodiversity net gain on the site in accordance with the requirements of policy PD3 and the NPPF. The provisions for BNG and the trading rules have not yet been secured through either policy or legal provision and therefore can not be a requirement at this point in time. Therefore, the development demonstrate compliance with policy PD3.
- 7.74 Potential impacts on protected species are assessed within the submitted application and DWT have requested further information in regard to Great Crested Newts (GCN), reptiles and bats. Overall impacts on protected species are likely to be limited, but some measures will be required to ensure that protected species are not adversely affected.
- 7.75 Having regard to the advice from Derbyshire Wildlife Trust (DWT) the application has demonstrated that, subject to planning conditions to secure avoidance measures a Construction and Environment Management Plan (CEMP) and a Landscape and Biodiversity Enhancement and Management Plan (LBEMP) it can be carried out in a manner that will not harm designated sites or protected species in accordance with policies S1 and PD3.

Affordable housing, housing mix and developer contributions

- 7.76 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.
- 7.77 A health contribution to improve local GP services has been sought by the CCG in this case. The Education Authority has not requested any contribution towards education facilities for the reasons set out in their analysis set out at paragraph 5.4 of this report. The contribution requested by the CCG is reasonable, specific and proportionate and therefore would need to be secured through prior entry into a planning obligation.
- 7.78 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. This is supported by the Council’s Housing Team. Therefore, 17 units of affordable housing would be delivered on site, of which 5 would be First Homes in accordance with national planning guidance. This is considered to constitute acceptable provision. If permission is granted a scheme would need to be agreed and secured through prior entry into a planning obligation.

7.79 Policy HC11 prescribes a housing mix to meet the Council’s housing needs and to create a sustainable, balanced and inclusive communities. The mix prescribed by policy HC11 and the proposed mix is set out in the table below.

	1 - bed	2 – bed	3 - bed	4+ bed
Market HC11	5%	40%	50%	5%
Market proposed	0%	0%	43%	58%
Affordable HC11	40%	35%	20%	5%
Affordable proposed	47%	41%	12%	0%
All dwellings HC11	15%	40%	40%	5%
All dwellings proposed	14%	12%	33%	40%

7.80 The development would not provide for the mix set out by policy HC11. Therefore, in accordance with the policy the application is required to demonstrate how the development contributes to meeting the long terms needs of the district. This should be informed by the location, nature and size of the development site, character of the area, evidence of local housing conditions, turnover of properties and local housing market conditions.

7.81 The affordable housing mix broadly complies with the requirements of policy HC11 and the Housing Manager has confirmed that the mix is acceptable. The market housing presents a significant under provision of 1 and 2 bedroom properties and overprovision of 4+ bedroom properties. The proposed mix is comparable to that at Jacksons Ley and having regard to the desire to reflect the character of that development there is a justification in design terms for the proposed housing mix.

7.82 The applicant considers that the development will attract families, couples and the retired and refers to the updated Housing Needs Assessment (HNA) prepared by Icenii in September 2021. The applicant has sought independent advice from an estate agent which does provide some evidence of a local demand for bungalows and larger family homes and lack of availability of these types of properties in Middleton.

7.83 Given submitted application does demonstrate therefore how the development would meet the needs of the district having regard to the character of the area, evidence of local housing and market conditions. The proposed housing mix is therefore considered to be acceptable and in accordance with policy HC11.

7.84 Policy HC14 requires new residential developments of 11 dwellings or more to provide or contribute towards public open space and sports facilities. 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

7.85 The SPD sets out the provision per dwelling that is required to meet this identified deficiency. In this rural location natural greenspace would be more appropriate than formal parks and gardens as they would reflect the character of the area and bring biodiversity benefits. A contribution of £8,327.70 is required on sites identified in Middleton and Wirksworth by the Neighbourhood Manager. Allotments would also not be appropriate on this site, therefore a contribution of £3,368.70 is required. A play area is proposed on site (LAP) and therefore a further financial contribution is not required in this regard.

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

The Planning Balance

7.87 The Council is unable to demonstrate a 5 year housing land supply at this time. The development plan makes provision for new housing on the edge of tier 1 – 3 settlements in these circumstances. Paragraph 11 of the NPPF says that in these circumstances the Local Planning Authority should grant planning permission for sustainable development unless:

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

7.88 The development would result in a significant visual change to the site and the development would project out into the countryside into open fields which make a positive contribution to the Conservation Area and the character and appearance of the area. While the development would be read in the context of the development at Jacksons Ley and have a limited impact upon landscape character it would result in a degree of harm to the Conservation Area and its setting.

7.89 The design, form and layout of the development has been carefully considered to reflect the development at Jacksons Ley, the character of Middleton and provide an attractive transition to the open countryside. The high quality of the design mitigates the impact of the development as far as possible in accordance with policy PD2 but an impact upon the open character of the site would be inevitable. The harm to the Conservation Area and its setting would be less than substantial therefore in accordance with Paragraph 202 of the NPPF the harm must be weighed against public benefits.

7.90 The harm identified is considered to be at the lower end of less than substantial. Weighed against this the development would deliver 57 dwellings at a time where the Council is unable to demonstrate a 5 year housing land supply and this must be given significant weight. The development therefore would make a positive contribution to housing delivery. Furthermore, the development would deliver 17 affordable homes on site. The development would provide economic benefits during construction and occupation, however these benefits would not be exceptional and would be commensurate with any residential development.

7.91 In determining this application the Local Planning Authority is obliged to give great weight to and pay special attention to the desirability of preserving the Conservation Area. However,

it is acknowledged that the part of the site within the Conservation Area is allocated for housing. The harm arising from the development of the rest of the application site would be limited and further mitigated by the quality of the proposed design. It is therefore concluded that the harm identified to the Conservation Area would be outweighed by public benefits arising from the delivery of market and affordable housing having regard to the requirements of paragraphs 11d) and 202 of the Framework. The application is therefore considered to be in accordance with relevant policies in the adopted Derbyshire Dales Local Plan and the National Planning Policy Framework.

7.93 All other matters raised have been considered but do not indicate that permission should otherwise be refused. The application is therefore recommended for approval.

8.0 RECOMMENDATION

8.1 That authority be delegated to the Development Manager or Principal Planning Officer to grant planning permission, subject to the following conditions, and following the completion of a S.106 planning obligation to secure 17 affordable homes (including 5 first homes), a contribution of £51,300 for healthcare, a contribution of £8,327.70 for parks and gardens and a contribution of £3,368.70 for allotments.

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

Reason:

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

2. The development hereby permitted shall not be carried out other than in accordance with the following approved plans and documents, subject to the following conditions:

Location Plan - 001

Planning Layout – 008 Rev M

Adoptable Areas Plan – 400 Rev D

Materials Plan – 600 Rev D

Boundary Treatment Plan – 700 Rev D

General Arrangement – 11009-FPCR-XX-XX-DR-L-0001 P06

Detailed Onplot Planting Plan (Sheet 1 of 4) - 11009-FPCR-XX-XX-DR-L-0002 P06

Detailed Onplot Planting Plan (Sheet 2 of 4) - 11009-FPCR-XX-XX-DR-L-0003 P06

Detailed Onplot Planting Plan (Sheet 3 of 4) - 11009-FPCR-XX-XX-DR-L-0004 P06

Detailed Onplot Planting Plan (Sheet 4 of 4) - 11009-FPCR-XX-XX-DR-L-0005 P06

Beeley (Corner) Floor Plans and Elevations – 100-01

Beeley (R) Floor Plans and Elevations – 100-02

Beeley Floor Plans – 100-03

Beeley (R) Floor Plans and Elevations – 100-04

Beeley Floor Plans – 100-05

Hassop Elevations and Floor Plans – 100-06

Bamford Elevations – 100-07

Bamford Floor Plans – 100-08

Calver Elevations – 100-09

Calver (R) Elevations – 100-10

Calver Floor Plans – 100-11

Grindleford Elevations – 100-12

Grindleford Floor Plans – 100-13

Birchover Elevations - 100-14

Birchover Floor Plans - 100-15

Cromford – Variant 1 Elevations – 100-16
Cromford – Variant 1 Floor Plans – 100-17
Cromford – Variant 2 Elevations – 100-18
Cromford – Variant 2 Floor Plans – 100-19
Hathersage Elevations – 100-20 Rev A
Hathersage Floor Plans – 100-21 Rev A
Middleton (Corner) Elevations – 100-22
Middleton Elevations – 100-23
Middleton Floor Plans – 100-24
Curbar Elevations – 100-25
Curbar Floor Plans – 100-26
Eyam Elevations – 100-27
Eyam Floor Plans – 100-28
Barlow Floor Plans and Elevations – 100-29
Single Garage Floor Plans and Elevations – 100-30
Single Garage 1 Floor Plans and Elevations – 100-31
Shared Garage Floor Plans and Elevations – 100-32
Biodiversity Net Gain Technical Note – 11009 dated 09.08.2023
Arboricultural Assessment – Rev D
Arboricultural Statement – Ref 11009
Tree Retention Plan – 11009-T-02 Rev C
Tree Protection Plan – 11009-T-03 Rev A
Flood Risk Assessment – PLM-DCE-XX-XX-RP-X-0001 Rev P06
Proposed Drainage Strategy – PLM-DCE-XX-XX-DR-C-5000 Rev P03
Framework Travel Plan – 600422-HEX-00-TP-RP-X-0002 V03
Phase 1 & 2 Geo-Environmental Report – 100767 V4.0
Initial Lead Mine Entry Mitigation Strategy – EAL.253.22.Rev1

Reason:

For clarity and in the interests of the proper planning of the area.

3. No development shall take place until sections A and B have been complied with:

A. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme shall have first been submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced and submitted in electronic format. The written report shall be submitted to and approved in writing by the Local Planning Authority. Authority. The report of the findings must include:

- i. a survey of the extent, scale and nature of contamination;
- ii. an assessment of the potential risks to:-
 - human health;
 - property (existing or proposed), including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - groundwaters and surface waters;
 - ecological systems;
 - archaeological sites and ancient monuments.
- iii. an appraisal of remedial options and proposal of the preferred option(s)

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

B. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and proposals for how the remediation works will be verified once completed. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason:

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

These details go to the heart of the planning permission and are required before the commencement of any development.

4. No part of the development hereby permitted shall be occupied until sections A and C have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing, until section B has been complied with in relation to that contamination.

A. Implementation and Validation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

B. Reporting of Unexpected Contamination

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

Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority in accordance with section A.

C. Importation of soil to site

In the event it is proposed to import soil onto site in connection with the development or remediation the proposed soil shall be sampled at source and analysed in a UKAS accredited laboratory. The results of the analysis, and an interpretation, shall be submitted to the Local Planning Authority for consideration prior to importation. Imported topsoil shall comply with British Standard 3882:2007 - Specification for topsoil and requirements for use. Only the soil approved in writing by the Local Planning Authority shall be used on site.

Reason:

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

These details go to the heart of the planning permission and are required before the commencement of any development.

5. A) No development shall take place until a Written Scheme of Investigation (WSI) for archaeological work has been submitted to and approved in writing by the Local Planning Authority, and until any pre-start element of the approved scheme has been completed to in accordance with the approved (WSI). The scheme shall include an assessment of significance and research questions; and

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

B) No development shall take place other than in accordance with the WSI approved under part A.

C) The development shall not be occupied until the site investigation and post investigation reporting has been completed in accordance with the programme set out in the WSI approved under part A and the provision to be made for publication and dissemination of results and archive deposition has been secured.

Reason:

To ensure any archaeology on site is satisfactory recorded in accordance with the requirements of policy PD2 of the Adopted Derbyshire Dales Local Plan (2017) and the National Planning Policy Framework.

These details go to the heart of the planning permission and are required before the commencement of any development.

6. No development shall commence until details of finished floor levels and ground levels throughout the site have been submitted to and approved in writing by the Local Planning

Authority. The development shall not be carried out than in accordance with the approved details.

Reason:

To minimise the impact of the development upon the site and the wider landscape and in the interests of the proper planning of the area.

These details go to the heart of the planning permission and are required before the commencement of any development.

7. No development shall commence (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following.
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction. These shall especially consider reptiles and amphibians, in addition to badgers and nesting birds.
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the construction period in accordance with the approved details.

Reason:

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

These details go to the heart of the planning permission and are required before the commencement of any development.

8. No development shall commence A Landscape and Biodiversity Enhancement and Management Plan (LBEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The aim of the LBEMP is to provide details for the creation, enhancement and management of habitats and species on the site post development, in accordance with the proposals set out in the approved Biodiversity Metric 'Biodiversity Net Gain Technical Note – 11009 09.08.2023' and to achieve no less than a [+1.06%] net gain. The LBEMP should combine both the ecology and landscape disciplines and shall be suitable to provide to the management body responsible for the site. It shall include the following:
 - a) Description and location of features to be retained, created, enhanced and managed, as per the approved biodiversity metric.

- b) Aims and objectives of management, in line with desired habitat conditions detailed in the metric.
- c) Appropriate management methods and practices to achieve aims and objectives.
- d) Prescriptions for management actions.
- e) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity).
- f) Details of the body or organization responsible for implementation of the plan.
- g) A monitoring schedule to assess the success of the habitat creation and enhancement measures at intervals of 1, 2, 3, 4, 5, 10, 15, 20, 25 and 30 years.
- h) Monitoring reports to be sent to the Council at each of the intervals above
- i) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
- j) Detailed habitat enhancements for wildlife, in line with British Standard BS 42021:2022.
- k) Details of wildlife kerbs and drop kerbs in the road network to safeguard amphibians, where necessary, especially close to the attenuation basin.
- l) Detailed specifications for attenuation basins to provide biodiversity benefits.
- m) Requirement for a statement of compliance upon completion of planting and enhancement works.

The LBEMP shall also include details of the legal and funding mechanism(s) by which the long- term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The development shall not be carried out other than in accordance with the approved details.

Reason:

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

These details go to the heart of the planning permission and are required before the commencement of any development.

9. Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the LPA, to reduce lightspill to adjacent habitats likely to be used by foraging and commuting bats, and also badgers. The Strategy should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features e.g. the adjacent miniature rail line corridor. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). Such approved measures will be implemented in full.

Reason:

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

10. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:

a. Dice. (14/02/2023). Proposed Drainage Strategy, PLM-DCE-XX-XX-DR-C-5000 Rev P02, received via email 17/10/2023, including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team

b. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the Local Planning Authority.

The development shall not be carried out other than in accordance with the approved details.

Reason:

To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the Local Planning Authority, in advance of full planning consent being granted.

These details go to the heart of the planning permission and are required before the commencement of any development.

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

Reason:

To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development.

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

Reason:

To ensure that the drainage system is constructed to the national Non-statutory technical standards for sustainable drainage and CIRIA standards C753.

13. Prior to commencement of the development hereby permitted (other than the creation of the access hereby permitted) a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan/statement shall include but not be restricted to:

- a) Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- b) Advisory routes for construction traffic;
- c) Any temporary access to the site;
- d) Locations for loading/unloading and storage of plant, waste and construction materials;
- e) Method of preventing mud and dust being carried onto the highway;

- f) Arrangements for turning vehicles;
- g) Arrangements to receive abnormal loads or unusually large vehicles;
- h) Joint Highway Condition survey;
- i) Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

The development shall thereafter not be carried out other than in accordance with the approved details throughout the construction period.

Reason:

In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

14. No part of the development hereby permitted shall be occupied until the applicant has submitted to and had approval in writing from the Local Planning Authority a residential welcome pack promoting sustainable forms of access to the development. The pack shall be provided to each resident at the point of the first occupation of the dwelling.

Reason:

To reduce vehicle movements and promote sustainable access.

15. Prior to any site clearance, groundworks, excavations, demolition or construction works and before any materials or plant are brought onto the site for the purpose of the development, temporary tree protection fencing shall be erected in accordance with the approved plans and according to the approved specification (or as specified by British Standard 5837:2012).

The fencing shall remain in place and intact until all development works at the site have been completed and all equipment, plant, machinery, surplus materials and waste have been removed from the site; and:

- 1. no ground level change,
- 2. excavation,
- 3. underground services installations/removals,
- 4. surfacing, or
- 5. construction

shall take place within the fenced areas.

Furthermore, unless agreed in writing in advance by the Local Planning Authority there shall be:

- 1. no access to the fenced areas for pedestrians/plant/vehicles;
- 2. no waste/equipment/materials/consumables/spoil storage in the fenced areas;
- 3. no fires in the fenced areas or within 10m of them;
- 4. no fuel, oil, cement, concrete, mortar or washings shall be allowed to flow into the fenced areas.

Reason:

To protect retained trees during the development phase in accordance with policies PD3 and PD7 of the Adopted Derbyshire Dales Local Plan.

16. Notwithstanding the approved plans, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority within 56 days of the commencement of development, the details of which shall include:

- a) soil preparation, cultivation and improvement;
- b) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
- c) grass seed mixes and sowing rates;
- d) gates, walls, fences and other means of enclosure;
- e) hard surfacing materials;
- f) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units and signs);
- g) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- h) retained landscape features and proposed restoration, where relevant; and
- i) timescale for implementation.

The development shall not be carried out other than in accordance with the approved details.

Reason:

To secure a high-quality landscaping scheme which conserves the setting and character of the buildings and implementation as soon as reasonably practicable in accordance with policies PD1 and PD2 of the Adopted Derbyshire Dales Local Plan and the National Planning Policy Framework.

17. All hard and soft landscaping comprised in the approved details of landscaping shall be carried out in accordance with the approved timescale. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

Reason:

To secure a high-quality landscaping scheme which conserves the setting and character of the buildings and implementation as soon as reasonably practicable in accordance with policies PD1 and PD2 of the Adopted Derbyshire Dales Local Plan and the National Planning Policy Framework.

18. Prior to the commencement of conversion works, a detailed scheme of measures to mitigate the effects of and adapt to climate change at the site along with a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the approved measures shall be maintained throughout the lifetime of the development hereby approved.

Reason:

To ensure the implementation of the proposed measures to mitigate the effects of and adapt to climate change in accordance with policy PD7 of the Adopted Derbyshire Dales Local Plan (2017).

19. No part of the development hereby permitted shall be occupied until play equipment for the Local Area for Plan (LAP) has been installed in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The play equipment shall thereafter be retained and maintained throughout the lifetime of the development hereby permitted.

Reason:

To ensure that play equipment is provided in a manner which conserves the character of the area and maintained throughout the development.

20. No part of the development hereby permitted shall be occupied until the pedestrian path / access to Main Street (B5023) has been fully laid out and constructed and available for use in accordance with the approved plans. The path and access shall thereafter remain open and available for its designated use throughout the lifetime of the development hereby permitted.

To ensure that the pedestrian access is provided and retained throughout the lifetime of the development.

21. Prior to first occupation of any dwelling, details of the legal and funding mechanism for the maintenance and management of all landscaped areas (excluding privately owned gardens), including the play equipment, highways / footways and areas of hardstanding and the delivery and monitoring of units of habitat to deliver a Biodiversity Net Gain shall be submitted to and approved in writing by the Local Planning Authority. The management and maintenance of these areas shall then be carried out in accordance with the approved details.

Reason:

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

22. No site machinery or plant shall be operated, no process shall be carried out and no demolition or construction related deliveries received or dispatched from the site except between the hours of 08.00 – 18.00 Monday to Friday, 08.00 – 13.00 Saturday and at no time on Sundays, Bank or Public Holidays.

Reason:

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

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

Reason:

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

24. All stonework for external walls, boundary walls and retaining walls shall be natural limestone in accordance with a sample which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason:

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

25. A 2 square metre sample panel of limestone walling materials and type of pointing (mortar mix and method of application) to be used for the exterior walls of the buildings shall be erected on site for inspection before works commence on the construction of the exterior walls of the building. The development shall thereafter not be carried out other than in accordance with the approved details.

Reason:

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

26. Notwithstanding the approved plans, prior to installation full detail of all windows, roof lights and doors (including materials, construction, recess and external finish) shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

Reason:

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

27. Notwithstanding the approved plans, each dwelling house / building shall be provided with a chimney / chimneys in accordance with detailed designs which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason:

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

28. Notwithstanding the approved plans, the dwellings shall have plain verges with gutters on brackets with no fascias, soffits or exposed or projecting timberwork in accordance with detailed designs which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason:

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

29. No external metre boxes shall be installed other than in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason:

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

30. Notwithstanding the provisions of Part 1, Part 2 and Part 14 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no alterations, extensions, buildings, hard surfaces, gates, fences or any other means of enclosure or solar or photovoltaic panels shall be erected within the curtilage of plot 1, 2, 3, 4, 9 or 10 without the prior written permission of the Local Planning Authority on an application submitted to it.

Reason:

To conserve the character and appearance of the development in accordance with policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

31. Notwithstanding the provisions of Part 1 or Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no extensions, buildings, hard surfaces, gates, fences or any other means of enclosure shall be erected within the curtilage of plot 5, 6 or 12 without the prior written permission of the Local Planning Authority on an application submitted to it.

Reason:

To safeguard trees in accordance with policy PD6 of the Adopted Derbyshire Dales Local Plan (2017).

32. Notwithstanding the provisions of Class A and Class B of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no enlargement of a dwellinghouse by construction of additional storeys or additions to the roof of a dwellinghouse shall be carried out to any dwelling hereby permitted without the prior written permission of the Local Planning Authority on an application submitted to it.

Reason:

To conserve the character and appearance of the development in accordance with policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

9.0 NOTES TO APPLICANT:

This planning permission shall be read in conjunction with the accompanying legal agreement under Section 106 of the Town and Country Planning Act 1990 dated 22.02.2023.

The Local Planning Authority prior to and during the consideration of the application engaged in a positive and proactive dialogue with the applicant which resulted in the submission of a revised scheme.

The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £34 per householder request and £116 per request in any other case. The fee must be paid when the request is made and cannot be required retrospectively.

Highways

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

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

Drafting the Agreement

A Monitoring Fee

Approving the highway details

Inspecting the highway works

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

Highway to be adopted

The development hereby approved includes the construction of new highway. To be considered for adoption and ongoing maintenance at the public expense it must be constructed to the Highway Authority's standards and terms for the phasing of the development. You are advised that you must enter into a highway agreement under Section 38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980. Contact the Highway Authority's Implementation Team at development.implementation@derbyshire.gov.uk You will be required to pay fees to cover the Council's costs in undertaking the following actions:

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

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

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

Construction Management Plan (CMP)

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

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

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

The CMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues. Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties.

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

LLFA

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

A. The County Council does not adopt any SuDS schemes at present (although may consider ones which are served by highway drainage only). As such, it should be confirmed prior to commencement of works who will be responsible for SuDS maintenance/management once the development is completed.

B. Any works in or nearby an ordinary watercourse may require consent under the Land Drainage Act (1991) from the County Council. For further advice, or to make an application please contact Flood.Team@derbyshire.gov.uk.

C. No part of the proposed development shall be constructed within 5-8m of an ordinary watercourse and a minimum 3 m for a culverted watercourse (increases with size of culvert). It should be noted that DCC have an anti-culverting policy.

D. The applicant should be mindful to obtain all the relevant information pertaining to proposed discharge in land that is not within their control, which is fundamental to allow the drainage of the proposed development site.

E. The applicant should demonstrate, to the satisfaction of the Local Planning Authority, the appropriate level of treatment stages from the resultant surface water discharge, in line with Table 4.3 of the CIRIA SuDS Manual C753.

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

G. Surface water drainage plans should include the following:

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

H. On Site Surface Water Management;

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

Peak Flow Control

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

Volume Control

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

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

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

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

- Ground percolation tests to BRE 365.
- Ground water levels records. Minimum 1m clearance from maximum seasonal groundwater level to base of infiltration compound. This should include assessment of relevant groundwater borehole records, maps and on-site monitoring in wells.
- Soil / rock descriptions in accordance with BS EN ISO 14688-1:2002 or BS EN ISO 14689-1:2003.
- Volume design calculations to 1% probability annual rainfall event + 40% climate change standard. An appropriate factor of safety should be applied to the design in accordance with CIRIA C753 – Table 25.2.

- Location plans indicating position (soakaways serving more than one property must be located in an accessible position for maintenance). Soakaways should not be used within 5m of buildings or the highway or any other structure.
- Drawing details including sizes and material.
- Details of a sedimentation chamber (silt trap) upstream of the inlet should be included.
- Soakaway detailed design guidance is given in CIRIA Report 753, CIRIA Report 156 and BRE
- Digest 365.

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

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

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