

Planning Committee 12th December 2023

APPLICATION NUMBER		22/01339/FUL	
SITE ADDRESS:		Lot 2, Leys Farm, Wyaston Road, Ashbourne, Derbyshire	
DESCRIPTION OF DEVELOPMENT		Residential development of 87no. dwellinghouses with associated landscaping, infrastructure and access	
CASE OFFICER	Mr J Baldwin	APPLICANT	Woodall Homes
PARISH/TOWN	Ashbourne South	AGENT	Mr R Piggott
WARD MEMBER(S)	Cllr R Archer Cllr A Bates Cllr N Wilton	DETERMINATION TARGET	14.12.2023
REASON FOR DETERMINATION BY COMMITTEE	Major application	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to appreciate the site and context.

MATERIAL PLANNING ISSUES

- 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

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.

1.0 THE SITE AND SURROUNDINGS

- 1.1 The application site is located between Acorn Drive and the A52 toward the southern edge of Ashbourne and is accessed via an existing field access off the western side of Wyaston Road. The site currently comprises agricultural fields with existing dense planting along the southern boundary of the site, adjacent to the A52. The land on site falls from Acorn Drive, toward the A52 and also toward the western portion of the site.
- 1.2 The site is located outside of the Ashbourne Settlement Boundary as defined by policy S3 of the Adopted Derbyshire Dales Local Plan (2017). The land to the north of the site, including the properties along Acorn Drive, is located within the defined settlement boundary and has recently been developed following planning permission being granted under application ref codes. 15/00319/OUT and 17/00250/REM.



2.0 DETAILS OF THE APPLICATION

- 2.1 The application initially sought full planning permission for 102 dwelling houses. During the consideration of the application, and following negotiation, the application has been revised and now seeks full planning permission for 87 dwelling houses as set out on the amended plans and documents received by the Local Planning Authority on 11.08.2023.
- 2.2 The development would comprise a mix of 1–5 bedroom properties with a total of 26 affordable units (29.89%) as broken down below:

Number of bedrooms	Number of Market Dwellings	Number of Affordable Units	Total number of units	%
1	0	12	12	13.79%
2	6	8	14	16.09%
3	21	6	27	31.03%
4	30	0	30	34.48%
5	4	0	4	4.6%

- 2.3 The amended site layout plan shows the development would be accessed off the western side of Wyaston Road. An indicative location for a play area has been shown in the centre of the site. The belt of mature trees along the southern boundary would be retained with supplementary planting proposed within the site.
- 2.4 The development is proposed to be constructed utilising two types of red brickwork with a small number of rendered properties. Chimneys are also proposed on a number of properties within the development.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2017)
 - S1: Sustainable Development Principles
 - S2: Settlement Hierarchy
 - S4: Development in the Countryside
 - S8: Ashbourne Development Strategy
 - S10: Local Infrastructure Provision and Developer Contributions
 - PD1: Design and Place Making
 - PD3: Biodiversity and the Natural Environment
 - PD4: Green Infrastructure
 - PD5: Landscape Character
 - PD6: Trees, Hedgerows and Woodlands
 - PD7: Climate Change
 - PD8: Flood Risk Management and Water Quality
 - HC1: Location of Housing Development
 - HC2: Housing Land Allocations
 - HC4: Affordable Housing
 - HC11: Housing Mix and Type
 - HC14: Open Space and Outdoor Recreation Facilities
 - HC19: Accessibility and Transport
 - HC21: Car Parking Standards
2. Ashbourne Neighbourhood Plan (2021)
 - HOU1: Housing Mix
 - DES1: Design
 - TRA1: Transport
3. Landscape Character and Design SPD (2018)

Developer Contributions SPD (2020)
Climate Change SPD (2021)

4. National Planning Policy Framework (2023)
National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:

None.

5.0 CONSULTATION RESPONSES

Ashbourne Town Council

5.1 08.02.2023:

Objection.

The proposed development is outside of the settlement boundary and on a greenfield site. There is one proposed entrance and exit to the proposed development; which is in a dangerous spot on the edge of a narrow brow; this will also cause additional traffic issues on the main entrances to and from the housing estates on to Derby Road, particularly at peak times. There is a lack of infrastructure in Ashbourne to support the number of housing developments over the past few years and here is already pressure on the existing resources.

The proposed development will have a negative impact on the wildlife; the area has living there, and the land is also contaminated with lead. There is a risk of increasing the flooding on Clifton Road, which already has issues with serious flooding. The application is contrary to the Neighbourhood Plan Policies DES1 and TRA1, and not in line with the National Planning Framework. Members asked that the Planning Application be taken to DDDC's Planning Committee and that Planning application 22/01407/FUL also be taken into account at the same time due to both developments having a major impact on Derby Road.

31.08.2023:

Objection.

Members note that this is a greenfield site; and there are area's more suitable for development including a brownfield site which was refused Planning Permission.

Members commented that this area acts as a buffer between the existing housing estate and the A52 by-pass; and will have a negative impact on the wildlife including buzzards; kites and bats.

The single entrance and exit is on the top of a brow with poor/limited visibility in either direction and the continuation of Wyaston Road is 60mph (in the direction of Wyaston).

There is no mention of any additional facilities including doctors, dentists, recreation facilities, for example play areas or football pitches.

The flood elevation shows at 75%; which Members feel will cause additional flooding issues in other lower parts of Ashbourne.

The roads surrounding the proposed development, Wyaston Road/ Derby Road are already at capacity and additional issues with parked vehicles close to and on the surrounding residential streets close to Hilltop School. There will be an increase in vehicle usage and increase in pollution and congestion on Willow Meadow road estate as this is a singular exit onto the A52. 2

Members also stated that it contravenes the following Local Plan Policies HC18; HC19; HC20; HC21. DES1 and the NPFF Biodiversity.

Environment Agency

- 5.2 We have reviewed the submitted documents and on this occasion the Environment Agency will not be making any formal comment on the submission for the following reason: - The development falls within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the site. There are no other environmental constraints associated with the application site which fall within the remit of the Environment Agency. If, however, the proposal subsequently changes such that you feel that it may pose a significant environmental risk then please do not hesitate to contact us and we will be pleased to review our response.

Derbyshire County Council (Highways)

5.3 19.01.2023:

The Highway Authority has considered this application based on its individual merits regardless of its local plan status, however it is expected that it should align with the plan period to ensure that the development does not result in additional infrastructure need beyond that anticipated.

The applicant should prepare a TA addendum to address the following matters:

1. The vehicle visibility splay has been adjusted and off set backed on MfS guidance. However, the TA does not include a long section of Wyastone Road and give the vertical alignment the applicant should demonstrate that the splay line is achievable in the vertical plane.
2. The footway connection to the north is compromised in width to 1.6m, this is not considered to be acceptable give the reliance the application has on it for all pedestrian movements. Opportunity exists to realign the highway to ensure that pedestrian needs are catered for.
3. The access does not provide a footway to the south. There is an existing footway immediately adjacent to the access, and therefore the development should connect into it.
4. Car parking explanation is available on request (3.2 of the TA). The applicant should provide this.
5. The proposals do not show where bicycle parking will be provided. The location and design should be shown on the submitted details.
6. Public Transport for the proposal exceeds recommended distances. The TA identified the nearest stop to be 300m from the site access, however 400m is the desired maximum distance and when you account for the distance of the access road many properties exceed the 400m distance.
7. The future assessment year used is 2029, however the end of the plan period is 2032. Whilst the analysis doesn't show any junctions being close to capacity, the assessment underestimates the background traffic flow. As such the applicant should review the growth factors using the latest version of TEMPRO.
8. The internal site layout is a matter of concern. Its linear design does not provide natural traffic calming as required in manual for streets, nor does it address the design approach in the DSP 2017. The layout is car dominated and does not prioritise pedestrians or cyclists, also the site is on significant gradient, yet no long section has

been provided. The applicant should review the layout to ensure that the 20mph design is maintained through natural traffic calming, it should also use national guidance such as LTN 1/20 and inclusive mobility to ensure that the layout address the needs of active travel users.

9. The road stub adjacent to plot 37 serves no highway purpose and should be removed from the proposal.
10. The proposal has not accounted for paragraph 131 of the NPPF, as no street trees are provided. No justification is provided to explain why it is not possible in this instance.
11. The travel plan does not provide a strong framework to encourage non car trips. All the proposed measures are about sharing information, no incentives such as free bus passes are included which would help to encourage sustainable trips. The TP should be improved with stronger measures of how mode shift will be achieved. The plan should follow the Locally adopted standards and take an ambitious approach to encourage alternatives to single occupancy vehicle trips.

The proposal, as submitted, does not align with transport policies in the Derbyshire Dales Local Plan, it conflicts with paragraphs 110, 112 and 131 of the NPPF and policies within the Ashbourne neighbourhood Plan, the Local Transport Plan and the DSP. It is reasonable to seek revisions to address these shortcomings as it is considered that they are addressable through design alteration and the provision of additional information.

07.09.2023:

The applicant has submitted revised details to address the comments previously made, this includes an updated layout with reduced quantum of housing and updated transport evidence.

Having reviewed the revised details the Highway Authority can confirm that the external impact in terms of vehicle movements and accessibility has now been addressed and it is considered that there will not be a severe impact on capacity or an unacceptable impact on safety.

The Highway Authority remains unsatisfied with the design of the internal street. The street should be designed to 20mph and whilst the proposal does include buildouts these will not be sufficient. The nature of residential streets is that they experience an outbound travel pattern in the morning and inbound in the evening.

There is effectively little opposing traffic flow to make these effective, furthermore the forward visibility splay allows drivers to see a significant distance ahead so they can see that there is not an oncoming vehicle and maintain speed through the feature.

The street also conflicts with paragraph 131 of the NPPF which requires all streets to be tree lined. The proposal provides sporadic trees along the street and in private spaces, as such it does not represent a tree lined street.

The Highway Authority considers that there is a design solution available that integrates green infrastructure into the prospective highway which also addresses the design speed difficulties, and there is no obvious reason why such a solution couldn't be presented.

In order to establish good travel habits it is important the design of the street enables active travel, and despite occasional features, the street remains car dominated.

It is therefore recommended that this application is not determined and the applicant provides revised drawings that addresses the concerns expressed on the internal street design.

27.09.2023:

The applicant has provided amended site layout details on 21st September 2023, this comment updates the Highway Authority recommendation based on that additional information.

Following on from the consultation response dated 5th September 2023, the applicant has further amended the internal street design to address the comments made. The layout now proposes a series of traffic management measures which are designed to limit vehicle speed, provide pedestrian crossing facilities and integrate street trees as far as reasonable practical given the linear nature of the site. It is considered that the details now shown on drawings 600539-HEX-XX-XX-DR-TP-0105 P04 and 008 Rev L are acceptable, and with all other matters of external impact having been resolved there are no outstanding transport matters.

Planning obligations are required for the travel plan bond and monitoring fee for a 5 year period and these should be secured through a suitable legal agreement.

It is therefore recommended the if permission is granted that conditions and obligations are recommended.

Planning Policy (Developer Contributions) (Derbyshire County Council):

5.4 **Education:**

Primary Level

The proposed development falls within and directly relates to the normal area of Ashbourne Hilltop Primary School, Ashbourne Primary School, and St Oswald's CofE Primary School. The proposed development of 87 (discounting 12 one bed) dwellings would generate the need to provide for an additional 18 pupils.

Ashbourne Hilltop Primary School has a net capacity for 140 pupils, with 121 pupils currently on roll. The number of pupils on roll is projected to increase during the next five years to 124.

Ashbourne Primary School has a net capacity for 315 pupils, with 208 pupils currently on roll. The number of pupils on roll is projected to decrease during the next five years to 200.

St Oswald's CofE Primary School has a net capacity for 210 pupils, with 205 pupils currently on roll. The number of pupils on roll is projected to increase during the next five years to 214.

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 18 primary pupils arising from the proposed development.

Secondary Level

The proposed development falls within and directly relates to the normal area of Queen Elizabeth's Grammar School. The proposed development of 87 (discounting 12 one bed) dwellings would generate the need to provide for an additional 21 secondary including post16 pupils.

Queen Elizabeth's Grammar School has a net capacity for 1645 pupils with 1342 pupils currently on roll. The number of pupils on roll is projected to decrease to 1289 during the next five years.

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

Mitigation

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

The above is based on current demographics which can change over time and therefore the County Council would wish to be consulted on any amendments to a planning application or further applications for this site.

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

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

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.

Ashbourne Library is the nearest library to this site, however, no capital improvements to Ashbourne 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 £6131.06 is sought.

The County Council also recommend that Local Planning Authorities should attach advisory notes to planning permissions to request that developers work with broadband providers to ensure NGA broadband services are incorporated as part of the design of new development. However, if it can be shown that this would not be possible, practical or economically viable, in such circumstances, suitable ducting should be provided within the site and to the property to facilitate future installation.

Monitoring Fees:

In line with the revised Community Infrastructure Levy Regulations 2010 (as amended) Regulation 122 2(a), the County Council will seek a monitoring fee towards the monitoring and reporting of S106 contributions. The fee will be based on the cumulative number of triggers to be monitored for County Council obligations x £77 (based on officer time Grade 12).

Planning Policy (Derbyshire County Council)

5.5 Derbyshire County Council's Overall Assessment and Conclusions on the Planning Application:

On the basis of the detailed Officer comments below, Derbyshire County Council considers that the proposed development would provide for a sustainable form of development in an accessible location, provide for much needed affordable housing and is particularly proposed in circumstances where the District Council cannot demonstrate a five year land supply, where there would be a presumption in favour of the application proposals in terms of policies in the NPPF and the adopted DDDLDP.

There is concern that the 30 dwellings proposed for affordable housing out of the total of 102 dwellings does not meet the required 30%. The ratio presently proposed equates to only 29.41%. The Borough Council is respectfully requested to negotiate with the applicant for 31 affordable dwellings out of the total of 102 dwellings proposed which would equate to 30.39%. The proposed childrens play area and areas of informal open space represent significant benefit to the community. A community fund could be considered as part of on-going community involvement.

Key to Derbyshire County Council's consideration and assessment of the application proposals is Paragraph 11 of the National Planning Policy Framework (NPPF) (July 2021) which states that:

Paragraph 11: The Presumption in Favour of Sustainable Development

Plans and decisions should apply a presumption in favour of sustainable development.

For decision taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
 - i) The application of policies in this Framework 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 of the Framework taken as a whole.

Member Comments:

Councillor Steve Bull, County Council Member for Ashbourne Electoral Division responded on 23 January 2023. Councillor Bull's comments are as follows:

My feelings are that it is too many more houses over developments in the same area. The road infrastructure is not good enough to deal with the extra vehicle movements in that area. It just makes the country lanes that run parallel with the main A52 very dangerous and a rat run. All the villages should be given a 30mph speed limit through them before any developments take place.

Development Control Archaeologist (Derbyshire County Council):

- 5.6 Thank you for consulting on this proposed housing development on a greenfield site of around 6.6ha. The site comprises the downslope portion of the Leys Farm housing development consented under 15/00319/OUT. Both sites were subject to geophysical survey as part of the original application, and the upper site then underwent trial trenching evaluation in 2016, with no significant archaeological remains identified.

The geophysical survey of the lower (current) site shows no archaeological targets. As the site is on a slope it is necessary to consider whether colluvial (slopewash) deposits could be concealing archaeology, but the LiDAR for the site does not indicate colluvial formation, and the original slope base is a little further to the south coincident with the stream and parish boundary, though this area has been relandscaped as part of the A52 bypass.

On balance therefore I feel that the site has been adequately demonstrated to have little or no archaeological potential, and that there is no need for further work under the policies at NPPF chapter 16.

Sport England

- 5.7 The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306). Therefore, Sport England has not provided a detailed response in this case but would wish to give the following advice to aid the assessment of this application:

The proposal would involve the provision of additional housing. The Planning Statement submitted with the application includes reference to an additional 250 residents being generated by the proposal. The proposed development along with other housing developments scheme in the area would generate additional demand for sport. If existing sports facilities do not have the capacity to absorb the additional demand, then new and/or improved sports facilities should be secured and delivered in accordance with any approved local policy for social infrastructure, and priorities set out in the Playing Pitch Strategy and/or Built Sports Facility Strategy that the local authority has in place. An assessment of whether the sports facilities in the area could cope with this additional demand should be commissioned and this should include analysis of the facilities provided for at Ashbourne Leisure Centre which is in close proximity to the proposed development.

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

Designing Out Crime Officer (Derbyshire Constabulary)

- 5.8 24.01.2023: From the perspective of reducing crime and disorder by design, there are no reasons why we should object to this application in principle. If structural and policy constraints can be resolved, and you are likely to recommend approval of the application, there is one matter of detail currently proposed requiring comment, and some minor boundary additions which I would recommend.

The matter of detail is the proposed pedestrian link from the site through to the existing turning head of Premier Avenue, which is questionable for two reasons. The first is the amenity affect upon existing residents of Premier Avenue, in particular those close to where the road terminates. At present the road is an enclosed cul-de sac with post and rail fencing

separating a small patch of soft landscaped land beyond the road kerb from the fields and balancing pond beyond. Whilst this fencing isn't secure, and it is possible to squeeze between fencing and hedging into the area of the balancing pond, the road is in essence currently principally private, with no real evidence of foot movement as described. Consequently, to introduce a public route onto Premier Avenue will fundamentally alter the hierarchy of space here and weaken any sense of defensible space for its residents. Leaking cul-de-sacs are a design feature associated with raised levels of crime and nuisance, so the proposal at best will weaken territoriality and amenity, and at worst cause problems of lower-level crime and nuisance at the end of Premier Avenue. I have to accept that in context this is less likely than, for example, two connected cul-de-sacs in a challenging urban area, but is nevertheless worthy of mention.

The second matter is that of the proximity and separation from the balancing pond from the proposed route. I understand that there have been incidents of children playing within the enclosed area, and evidently some unsuccessful attempts to restrict this with temporary fencing, as an addition to the surrounding mid height post and rail fence. A public route which would need to run around and parallel to the balancing pond is likely to increase this type of incident. The water is currently frozen, bringing to mind the tragic recent events in Solihull, and every step should be taken to avoid a repetition here. 2 Therefore, if you are minded to recommend retention of this proposed footpath link on the grounds of convenient and safe circulation, this should be conditional upon a satisfactory separation and definition from both the curtilage of the end plots of Premier Avenue, and the balancing pond. I accept that both are out of the red lined site development area, but intrinsically linked irrespective of this.

Other than this matter, the details proposed are acceptable from our perspective. The corner plots at the site entrance from Wyaston Road would benefit from a front and side boundary treatment to define the private space for plot 102 and shared private space for plots 1 and 2 from the road edge. A short run of the post and rail fence used elsewhere on site would be acceptable.

22.08.2023:

There are no issues with the changes as proposed. However, the amended detail does not address, nor acknowledge my prior points concerning the footpath link to Premier Avenue, and the likely issues connected to neighbour amenity and water safety around the balancing pond. Without a clear rationale over the inclusion for this path, or mitigation against the likely effects as previously suggested, this element of the scheme remains questionable from a community safety perspective.

Trees and Landscape Officer (Derbyshire Dales):

5.9 02.02.2023:

Impact on existing trees

It is widely recognized that trees provide a wide range of benefits to people, society, ecology, wildlife, landscape, climate, water management and economy. Large mature trees provide the greatest benefits; these take many decades to grow and are not easily replaced. They should therefore be regarded as valuable assets being retained and protected as such in the planning and execution of development.

It is regarded as industry best practice for development to aim to retain as many of the best quality trees as possible and to successfully incorporate them into the scheme for long term retention. This means that they should be protected from harm during on-site development works, given ample room for their canopies and rooting systems to continue to develop and generous distance between trees and development to avoid potential conflict which could lead to future pressure to prune or remove trees.

An arboricultural assessment report (by fpcr, dated November 2022) has been submitted as part of the planning application for this site.

The report indicates that all the trees in the highest quality (category A of BS5837:2012) would be retained within the current site layout design. A number of individual trees in DDDC TPO 182 and 107 lie within or close to the boundaries of the site and the report indicates that all of these would be retained.

The report identifies several individual trees, groups of trees and sections of hedgerow that would need to be removed to facilitate the current site layout design. I do not object to these removals because these are of lower quality and so their loss is less important. Furthermore, their loss would be mitigated through the proposed planting scheme which includes an appropriate mix of native trees and hedgerow.

I note that development in many instances extends right up close to the edge of the root protection areas of retained trees. While this is not unacceptable, it represents the very minimum space that the trees should be given. I suggest that it would be better practise to leave greater distance between trees and development than this. I recommend that the distance should be equal to at least the height of retained trees - not current height, but expected height at maturity. This would minimise potential future pressure to remove trees due to perceived or real risk of branch / tree failure and ensure plenty of space for trees to thrive and maximise the amenity they provide. I recommend that the current site layout design should therefore be redesigned to accommodate this. Perhaps this may necessitate slightly reducing the number of houses by removing those closest to retained trees.

I recommend that a detailed site-specific arboricultural method statement be required to be submitted for approval as a condition to any grant of planning consent. This should include a tree protection plan that locates, specifies and gives timings for installation and removal of temporary tree protection fencing and any temporary ground protection in the vicinity of trees.

Tree and hedgerow planting proposals

Having reviewed the planting proposals I am of the opinion that tree and hedgerow losses required to facilitate the proposals would be adequately replaced through proposed planting. However, I am concerned by the limited range of tree species included in the roadside planting in the front gardens of the plots. I recommend that improved biodiversity, visual interest and resilience could be achieved by increasing the range of appropriate small native tree species used, eg apple, pear, plum, damson, hawthorn, hazel, etc...

17.08.2023:

I have no objections from an arboriculture point of view to the updated proposals in terms of tree removals/retentions and proposed site layout with respect to retained trees. I recommend that all the guidance provided by the submitted updated Arboricultural Assessment report should be required to be followed. This could be in the form of a condition to a grant of planning consent. I also recommend that a Tree Protection Plan and site-specific Arboricultural Method Statement should be required to be submitted for approval. This could be required as a condition too.

Of particular importance regarding the proposed tree planting is to ensure that planted trees are provided with sufficient rooting volume of soil. The details provided by section 6.11 of the Arboricultural Assessment report in this regard should be required to be followed. This would provide the trees with sufficient soil volume to support the trees and help reduce the risk of them causing damage to nearby surfacing. Where development close to proposed new trees limits the amount of unsurfaced ground around the trees then it may be necessary to include tree planting pits to provide the required soil volume. Examples where this may be needed are to the front of plots 25, 22, 19, 17. Doing this would reduce the likelihood of

future root growth of the trees causing damage to surrounding surfacing which may result in trees being removed to prevent damage. A suitable system may be <https://greenblue.com/gb/products/arborsystem/> or similar. This could be required as a condition too with details being provided on the Arboricultural Method Statement.

Clifton Parish Council:

- 5.10 Clifton Parish Council Object to this application. The development would result in the loss of a green field site, with an impact on existing wildlife habitat and infrastructure. The site itself is on a very steep slope, which is not ideal at all.

Flooding has already been experienced at Waterside Retail Park due to high rainfall and this development would potentially put it at greater risk of flooding with less natural ground drainage.

Infrastructure in the town is overstretched. Over development of houses will have a severe impact even more on these services, healthcare and educational facilities.

The increase in traffic on this already very busy road will have an impact on the environment and safety.

Planning Policy (Derbyshire Dales)

- 5.11 Conclusion:

Overall the proposed site lies outside of the defined Settlement Development Boundary of Ashbourne, and is therefore classed as development in the countryside. Policy S4 allows for residential development adjacent to first tier settlements, where it cannot demonstrate a five year supply of housing. The District Council's latest supply assessment at 1st April 2022 concludes that the District Council falls below the requirement. Therefore in principle housing development of the edge of Ashbourne may be considered acceptable. However to meet the full requirements of Policy S4, the District Council is to consider the proposal against other policies within the Derbyshire Dales Local Plan (2017).

There are other issues that are still to be addressed as part of this proposal. The District Council must be satisfied that the valued priority habitats present on the site can be conserved and mitigated against the development proposals. Further details should also be sought from the applicant regarding a plan for providing biodiversity net gain to compensate for any loss due to the development on site.

Whilst the proposal seeks to deliver both market and affordable housing on site, there is no justification in the supporting information that sets out why the housing mix is not in accordance with Policy HC11. 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 Ashbourne.

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. As previously stated the applicant has not submitted a financial viability assessment report to support the application, therefore there is no evidence to justify why other infrastructure requirements have not been taken into account as part of assessing the overall deliverability of the proposals for this site. 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 known as Fibre to the Premises (FTTP). Nor has the applicant set out any S106 contributions towards healthcare or education. Clearly further information to support the application should be sought from the applicant before a decision is made.

Environmental Health (Derbyshire Dales)

5.12 After reviewing the Noise Impact Assessment submitted with this application, I have no objections, providing that the recommended noise mitigation methods are implemented. Should the site design/layout be changed or altered in any way then the noise assessment should be reviewed. I am satisfied that no contaminated land remediation is required but as recommended in the Geo-Environmental Report, should any unexpected signs of contamination be identified during construction, work should cease, and an assessment of the potential contamination be carried out.

Derbyshire Fire and Rescue:

5.13 I can confirm that Derbyshire Fire and Rescue Service, working on behalf of the Derbyshire Fire and Rescue Authority, have no objection to the proposed construction of 102 dwellinghouses on Lot 2 Leys Farm, Wyaston Road, Ashbourne, subject to the following: -

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

Lead Local Flood Authority (Derbyshire County Council):

5.14 Derbyshire County Council as the Lead Local Flood Authority (LLFA) has reviewed the information submitted for this application, which was received on 11.08.2023. The LLFA has no objection subject to conditions.

Derby and Derbyshire Integrated Care Board

5.15 The development is proposing 102 (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 255 (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;

- Ashbourne Medical Practice
- Ashbourne Surgery

We would like to discuss the potential for S106 funding to be used to increase clinical capacity in Ashbourne. The Draft Primary Care Estates Strategy for Derbyshire highlighted Ashbourne as a growth area with concern around clinical capacity. Ashbourne Medical Practice has some scope to increase it's list, however, Ashbourne Surgery is fully utilised giving a concern around the ability of the two practices to accommodate the housing planned around Ashbourne.

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 £91,800.

Officer note: No further response from the ICB has been received following the revision of the application and reduction to 87 dwellings. Any further response will be updated at the meeting.

Using the calculation provided by the ICB the financial contribution for 87 dwellings would equate to £78,480.

Derbyshire Wildlife Trust

5.16 22.02.2023:

The Bat Report (FPCR, November 2022) recorded up to seven species of bats across the surveys undertaken to date, with 50 % of bat registrations comprising light-sensitive species. Brown long-eared, noctule and soprano pipistrelle bats were all recorded, which are priority species listed on the local Lowland Derbyshire (Claylands) Biodiversity Action Plan. Local Plan Policy PD3 states that planning decisions will encourage the protection and recovery of priority species linked to national and local targets. The Bat Report states that sufficient mitigation will be provided within the scheme design, however this seems questionable when the majority of the site will comprise built environment and the only retained habitat will be adjacent to the busy A52, plus pockets of open space between the housing. A sensitive lighting scheme is advised but street lighting cannot be avoided and this will fundamentally alter the nature of the site from dark agricultural fields, standard trees and hedge lines to a residential estate.

We have reviewed the Ecological Appraisal (FPCR, November 2022). The site comprises five field parcels of 'other neutral grassland', largely in moderate condition. A total of five native hedgerows in moderate and good condition were recorded, along with three mature oaks and three mature ash trees. Almost all habitat will be lost to facilitate the development due to the topography of the site, although the report states that hedgerows will be retained where feasible.

No Biodiversity Net Gain Assessment has been completed for the site. This should be submitted to enable the LPA to assess the scheme against local and national BNG policies. Specifically, PD3, states that biodiversity aims of the Local Plan will be achieved by, "Not permitting any development proposal which would directly or indirectly result in significant harm to geological and biodiversity conservation interests, unless it can be demonstrated that: c) appropriate conservation and mitigation measures are provided, such mitigation measures should ensure as a minimum no net loss and wherever possible net gain for biodiversity'.

Currently, we advise that proposals are unlikely to comply with local and national planning policies relating to biodiversity. A metric should be completed and submitted to the LPA and consideration should be given to our comments above regarding bats.

14.09.2023:

Onsite landscaping, combined with an offsite BNG offsetting area, will result in an overall net gain of +0.86 habitat units (1.86 %). A gain of +2.03 hedgerow units (73.42 %) is also predicted.

The offsite location is in Brailsford, within the Derbyshire Dales, and the BNG Report states that it comprises a habitat bank for the purposes of delivering biodiversity net gain. Arable land will be converted into 'other neutral grassland' to offset the losses incurred on site. This should be secured for at least 30 years through a Section 106 Agreement, to include sufficient funding for appropriate management and monitoring throughout that period.

However, whilst an overall gain is predicted, the trading rules of the metric are not met. Despite the trading rules being acknowledged in Revision B of the BNG Report (FPCR, November 2022), proposals do not fully address these and an actual loss of -12.42 units of

other neutral grassland will occur as a result of the scheme. This has been offset with units of other habitats to achieve an overall gain in units, despite the metric requiring the same broad habitat or habitats of higher distinctiveness to be created.

The BNG Best Practice Guidelines (CIRIA C776a, 2019) state that, "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".

We advise that the trading rules are an intrinsic mechanism of the metric and are intended to ensure proper functionality and realise a true net gain.

Furthermore, we consider it likely that the units achieved through urban tree planting have been over-valued. The most up to date metric guidance states that proposed tree planting within gardens should not be included separately within the metric figures. The classification 'Vegetated garden' should be used, which takes into account potential tree (and other) planting and considers the lack of future safeguards on garden trees. It appears that some of 91 urban trees are included within gardens.

The size class of the tree should be based on the projected diameter at 30 years. All trees are proposed as 'medium', which should reach greater than 30 cm in diameter in 30 years. Some of the species listed in the landscape plan seem unlikely to achieve this target. Current guidance states that most street trees should be classed as 'small' unless evidence is provided to justify the input of larger size classes.

Ultimately, it is up to the LPA to take a decision on whether they would approve a scheme that achieves a net gain but does not satisfy the trading rules. However, we hope that further clarity will be provided on this once the 10 % gain is mandated in November 2023 and we envisage that robust justification will be required where they are not met. We do advise that the urban tree figures should be reviewed as this may have a bearing on the overall gain value.

17.10.2023:

Further to our comments dated 14th September 2023, FPCR have provided a letter response dated 26th September 2023. This addresses our queries regarding tree planting in the BNG metric.

Whilst an overall net gain is predicted by the metric, the trading rules are not met due to a net loss of -12.42 units of other neutral grassland. The metric is quite clear that any losses of other neutral grassland should be offset with either "the same broad habitat or a higher distinctiveness habitat". Currently the proposals do not provide enough grassland or higher distinctiveness habitats to fully compensate for the habitat losses and meet best practice.

We agree that in some instances it may be appropriate to apply some flexibility to the trading rules e.g. in cases where restoration or enhancement of a meadow would result in a net loss of scrub. However, this should be guided by ecological expertise and judgement. Ultimately the goal of BNG is to leave biodiversity in a better state than before the development. In this case we are dealing a substantial area of other neutral grassland (est. -1.7 ha) that will be lost and not be compensated for, which is not in the best interests of local biodiversity.

We agree that the scheme includes well-designed open space and acknowledge that it is not possible to compensate fully onsite within the parameters of the current proposals. However, if compensation cannot be accommodated onsite, then the principles of BNG allow this to be created offsite. Whilst an offsite compensation scheme has been proposed in this instance, it does not encompass enough land to fully address the losses resulting

from the scheme. After investigating the metric, it seems that -1.4 additional ha of other neutral grassland would be required to satisfy the trading rules, providing all offsite grassland were targeted at 'fairly good' condition. Our comments on landscaping and the recommended conditions are still relevant.

6.0 REPRESENTATIONS RECEIVED

6.1 A total of 70 representations have been received in response to this application including comments from Ednaston and Wyaston Parish Council. A further 11 non-attributable representations have also been received in objection to the proposed development. A summary of the representations is outlined below:

Objections

- Concerns regarding noise during construction.
- Plant will be left on the highway and could cause damage.
- The development would result in an increase in traffic and could cause highway safety issues due to poor visibility and the current width of the highway.
- The development will devalue nearby properties.
- The development will put strain on existing facilities such as schools, doctors etc.
- Concerns regarding drainage from the site and potential flooding.
- Concerns regarding the impact of the development on existing wildlife and habitats on site.
- Concerns regarding increase in traffic in close proximity to a school.
- Development should be focused on brownfield sites rather than greenfield sites.
- The site is outside of the settlement boundary.
- Ashbourne is already ahead of its target for new housing therefore greenfield land should not be developed.
- Concerns regarding footpath link to Premier Avenue.
- The estimated growth and housing requirement stated by Derbyshire Dales has been grossly overestimated.
- There is a disproportionate amount of housing being developed in the Ashbourne area.
- The development does not meet the housing mix requirements of the Local Plan.
- The application is speculative and should be refused.
- Concerns regarding potential lead pollution on site.
- Concerns regarding the landscape impact of the development particularly when assessed alongside the existing, adjacent developments.
- Concerns that visitors may park on the new spine road which causes access issues for emergency services.
- Concerns regarding the environmental/carbon impact of the development.
- Concerns regarding the stability of the ground during construction and the impact on existing properties.
- Concerns regarding overlooking from new dwellings.
- Concerns regarding impacts on protected species.
- Government may be removing the housing target requirement.
- Concerns regarding increase in pollution from additional vehicles.
- Redrow assured homeowners that the field would not be developed.
- The visibility splays are lower than previously required under ref code 15/00319/OUT nearby.
- There is no public transport in close proximity to the site.
- Ashbourne is currently suffering with pollution in the town centre.
- Concerns regarding limited parking within the development
- Concerns that all vehicles would need to use narrow roads/estates to reach town centre.
- The affordable housing is unlikely to be truly affordable.

- Concerns regarding an increase in crime in the area.
- The development will obstruct views from existing properties.
- Concerns regarding increase in litter and dog litter.
- There is a lack of traffic calming measures in place.
- The proposed dwellings appear too close to the road.
- The visibility splays are insufficient.
- A new crossing should be required close to the school.
- There are no areas for vehicles to turn within the development.
- Installing the access at the western end of the site would alleviate traffic and emerging visibility concerns.
- Any closure of Wyaston Road during construction can have large impacts on businesses along this road who would need staff and customers to take large diversions to gain access.
- There are still new build properties nearby which have not sold so is there a need?
- There has been no ornithological records search and the site hold a red listed species.
- There is insufficient pedestrian and cycling access to the site.
- The District Council may be liable for and dangerous circumstances arising from the development.
- Concerns regarding subsidence of existing properties nearby which would be exacerbated.
- The amendments to the scheme do not address the highway safety and traffic concerns already raised.
- Wyaston Road forms part of a national cycling route. The near access would be dangerous to cyclists on the road.
- The site has been assessed as undevelopable by the Strategic Housing and Land Assessment sub group in 2021.

Non attributable objections:

- The development will result in a loss of wildlife and habitats.
- Concerns regarding highway safety
- Concerns regarding flooding.
- Concerns regarding strain on existing facilities and services.
- No additional services or facilities are proposed as part of this application.
- The development puts cars before pedestrians and cyclists.
- Redrow assured homeowners that the field would not be developed.
- The amendments to the scheme do not address the previous concerns raised.

Ednaston and Wyaston Parish Council:

The Parish Council would like to state that they strongly object to this application. If the houses were built it will channel traffic through Edlaston & Wyaston on roads that are not suitable for this amount of traffic. The road going through Wyaston especially has no pavements and children walk along the road to catch the bus to school. This will therefore cause a problem with public safety. There is currently a 30-mph speed limit through the village however this is not adhered to and therefore not suitable for additional traffic.

7.0 OFFICER APPRAISAL

- 7.1 This application seeks full planning permission for up to 87 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:
- Suitability of the location
 - The effect of the proposal on the character and identity of the settlement and the local landscape
 - 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

Suitability of the location

- 7.5 The application site is located outside of, but immediately adjacent to the settlement boundary of Ashbourne, a first-tier settlement as defined by policy S2 of the Adopted Derbyshire Dales Local Plan (2017).
- 7.6 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. As set out above, Ashbourne is a first-tier settlement.
- 7.8 Therefore, in principle, residential development of this edge of settlement site would in the current circumstances be in accordance with 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.

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

- 7.9 A key consideration in respect of this application is the impact of the development on the local landscape and character, identity and setting of the existing settlement. Policy S1 of the Adopted Derbyshire Dales Local Plan (2017) advises that development will conserve and where possible enhance the natural and historic environment, including settlements within the plan area.
- 7.10 Policy PD1 requires all development to be of high-quality design that respects the character, identity and context of the Derbyshire Dales townscapes and landscapes.
- 7.11 Policy PD5 deals specifically with landscape character and advises that development that would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement will be resisted.
- 7.12 A number of local residents have objected to the proposed development on the basis that the development would result in harm to the character and appearance of this part of Ashbourne.
- 7.13 The application site was assessed under the District Council's Strategic Housing and Employment Land Availability Assessment (April 2022 update) by Derbyshire County Council's Landscape Officer where it was concluded that whilst the development would be visible to the existing residential developments nearby and in wider views from Wyaston Road "the land has become isolated from the surrounding landscape, the majority of the area is screened by existing development and boundary vegetation so this would constitute a modest extension to an existing development area". The site was rated "green" in terms the impact of a development on this site on the landscape, the green rating determined that landscape and visual constraints are likely to be of a minor scale "although the site's relationship to the landscape character of the wider countryside should form a key component of the site's design.
- 7.14 The layout of the development is largely determined by the route of the new road within the site which, in order to meet required gradients in terms of highway safety was largely fixed. The District Council had no major objection to the route of the highway however there were some concerns relating to the locations and designs of some of the individual plots.
- 7.15 Chimneys have been added to a number of the prominent plots within the site in order to reflect the traditional character of the proposed dwellings and reflect previous housing developments nearby. The entrance to the site previously comprised a number of large dwellings which appeared overly urban in its appearance, this has now been amended and more house types introduced to appear less formal in its appearance. The proposed use of two red bricks across the site with a small number of rendered properties would be reflective of the adjacent housing developments. The design of the 1 bed quad blocks has also been amended to better respond to the character of the development.
- 7.16 In order to address separate concerns raised by Derbyshire Wildlife Trust, during consideration of the application the development proposal has been reduced from 102 dwellings to the currently proposed 87. This removed development from the western portion of the site.
- 7.17 The application site comprises a steeply sloping site which falls toward the A52 in the south. Whilst the site would be visible in local views and wider views from Wyaston Road/Ashbourne Golf Club, the site is well contained between the existing housing and the A52 which appears as a natural boundary to the southern side of the town in this location. On the basis of the amended plans and having regard to the SHELLAA assessment of the landscape impacts of this site, the development is not considered to result in any unacceptable harm to the character and appearance of this part of Ashbourne.

Transport and impact on highway safety

- 7.18 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.
- 7.19 A large number of objections received in relation to this application refer to the potential highway safety implications of the new access onto Wyaston Road, the new road within the development and the increase in traffic generated by the development.
- 7.20 A number of concerns were also raised by the Local Highway Authority with regard to the application as originally submitted. The applicant has since amended the scheme in order to introduce traffic calming measures such as build outs and raised pedestrian crossings along the new road. Additional information has also been provided regarding the visibility splays from the new access point, access to public transport services and the plan has been amended to include street trees as required by paragraph 131 of the National Planning Policy Framework (2023).
- 7.21 Having visited the site and had regard to the amendments to the scheme, 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. If permission is granted conditions would be recommended in accordance with advice from the Highway Authority including requirement for a Travel Plan the bond and monitoring for which would be secured by S.106 planning obligation.
- 7.22 The concerns raised by the Designing out Crime Officer (Derbyshire County Council) regarding the pedestrian footpath off the northern side of the new road toward Premier Avenue are noted however the footpath would offer a potential future link through the site into Premier Avenue which would be beneficial to the scheme and its inclusion in the plan at this stage is not considered to result in any significant detrimental impacts to the amenity of the existing occupants of Premier Avenue such that the application could be refused on such grounds.

Impact upon the amenity of neighbouring properties

- 7.23 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) requires development proposals to achieve a satisfactory relationship with adjacent development and not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.
- 7.24 The closest residential properties to the site would be the dwellings off Wyaston Road and Acorn Drive to the north and Premier Avenue to the west.
- 7.25 The development would result in the erection of 87 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 along Acorn Drive 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.
- 7.26 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.

- 7.27 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.
- 7.28 The application is supported by a noise impact assessment which Environmental Health colleagues have had regard to in providing their consultation response where no objections (subject to conditions) are raised.
- 7.29 The comments raised by local residents regarding the stability of the land are noted however, the scheme will need to comply with relevant building regulations and this matter would not therefore constitute a material planning consideration in this case.
- 7.30 Subject to conditions, the development is considered to maintain a satisfactory relationship with surrounding developments and would be in accordance with policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

Sustainable building and climate change

- 7.31 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.
- 7.32 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 maximum solar gain. The dwellings are designed to incorporate solar panels and would be built with high levels of insulation, efficient heating systems and high efficiency windows.
- 7.33 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

- 7.34 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.
- 7.35 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.

- 7.36 The FRA includes a drainage strategy which has been amended to reflect the reduced scheme. 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 runoff from the development is controlled and attenuated prior to discharge. 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.
- 7.37 Foul water would be to the main combined 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.
- 7.38 The Environment Agency (EA) and Lead Local Flood Authority (LLFA) have been consulted. The EA raise no objection to the development. The LLFA raise no objection to the amended drainage scheme subject to planning conditions to ensure approval of a detailed scheme, implementation and validation.
- 7.39 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.
- 7.40 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

- 7.41 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.
- 7.42 The application is supported by ecological assessments, biodiversity net gain assessment an Arboricultural Assessment and Statement.
- 7.43 The Arboricultural Assessment identifies a number of category A, B and C individual and tree groups within the site (including hedgerows). None of the trees are ancient or veteran trees. Five trees are subject to a tree preservation order (TPO) (DDDCTPO//182).
- 7.44 The report identifies that no category A trees would be removed, 3 sections of hedgerows within category B would be removed. No category C trees or hedgerows would be removed. The application proposes replacement tree and hedge planting.
- 7.45 The Tree and Landscape Officer has been consulted and raises no objection to the proposed works. If permission is granted conditions would be recommended to ensure that

tree planting is carried out in accordance with the submitted Arboricultural Assessment and a Method Statement being secured by condition.

- 7.46 There are no statutory designated sites of local conservation importance within 5km of the site boundary. The Peak District National Park is located 3km north of the site. There are four sites of local conservation value within 1km of the site including Henmore Brook Complex, Old Hill Embankment, Lodge Farm Wetlands and Tinkers Inn Bog Local Wildlife Sites. These sites would not be directly or indirectly impacted by the development, due to distance and isolation from the site.
- 7.47 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 0.86 Habitat Units on and off site (1.86%) and 2.03 Hedgerow Units (73.42%). DWT advise that biodiversity net gain (BNG) trading rules would not be satisfied because there would be a deficit in neutral grassland. However, the development would result in an overall biodiversity net gain on the site in accordance with the requirements of policy PD3 and the National Planning Policy Framework (NPPF). The provisions for BNG and the trading rules have not yet been secured through either policy or legal provision and therefore cannot be a requirement at this point in time. Therefore, the development demonstrate compliance with policy PD3.
- 7.48 Potential impacts on protected species are assessed within the submitted application and DWT advise that satisfactory mitigation for badgers can be secured within the scope of the development, subject to the imposition of appropriate planning conditions. Overall impacts on other protected species are likely to be limited, but some measures will be required to ensure that protected species are not adversely affected.
- 7.49 Having regard to the advice from Derbyshire Wildlife Trust (DWT) the application has demonstrated that, subject to planning conditions the development 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

- 7.50 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.
- 7.51 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. A contribution to library stock has been required. The contributions requested by the CCG (adjusted to reflect the reduced number of dwellings in the revised scheme) and Education Authority are reasonable, specific and proportionate and therefore would need to be secured through prior entry into a planning obligation.
- 7.52 In order to address the significant need for affordable housing across the Local Plan area, policy HC4 requires that all residential developments of 11 dwellings or more or with a combined floor space of more than 1000 square metres provide 30% of the net dwellings as affordable housing. The application proposes to meet this policy requirement by providing affordable housing on site. Therefore, 26 units of affordable housing would be delivered on site, of which 7 should be First Homes in accordance with national planning guidance. The proposed on-site provision would equate to 29.89%, therefore a financial contribution of

£5,228.26 would also be required. This is considered to constitute acceptable provision and in accordance with policy HC4. If permission is granted a scheme would need to be agreed and secured through prior entry into a planning obligation.

7.53 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%	10%	34%	56%
Affordable HC11	40%	35%	20%	5%
Affordable proposed	46%	31%	23%	0%

7.54 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.

7.55 The affordable housing mix broadly complies with the requirements of policy HC1, with a greater percentage of smaller units. The market housing presents an under provision of 1, 2 and 3 bedroom properties and an overprovision of 4+ bedroom properties.

7.56 The applicant is accompanied by marketing information, which is referred to in a covering letter from the applicant. 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 the local area.

7.57 The applicant considers that the proposed mix provides a range of affordable homes meeting the requirements of policy HC11 and a range of two and three bedroom market properties, including bungalows, to provide choice to purchasers. The applicant also points to the direction of travel set out in the 2021 Icen report along with the fact that there are a significant number of two bedroom properties currently available for sale in Ashbourne.

7.58 Given the submitted justification, the application does demonstrate how the development would meet the needs of the district having regard evidence of local housing and market conditions. The proposed housing mix is therefore considered to be acceptable and in accordance with policy HC11. Having regard to the town fringe location of the site and its challenging topography there is also considered to be some justification for the proposed mix of housing in character and appearance terms.

7.59 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

- 7.60 The SPD sets out the provision per dwelling that is required to meet this identified deficiency. A contribution of £12,710.70 is required for parks on gardens on appropriate sites identified in Ashbourne in consultation with the Neighbourhood Manager. Allotments would not be appropriate on this site, therefore a contribution of £5,314.70 is also required. A play area is proposed on site (LAP) and therefore a further financial contribution is not required in this regard.
- 7.61 Therefore, subject to conditions and prior entry into a planning obligation to secure affordable housing provision and development contributions for affordable housing, healthcare, library stock, parks and allotments the application does demonstrate that the development is in accordance with policies S10, HC4, HC11 and HC14.

The Planning Balance

- 7.62 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:
- i. 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
 - 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.
- 7.63 The development would not result in any significant adverse visual impact or result in harm to landscape character. The development would result in modest benefit in terms of biodiversity net gain while delivering a significant amount of market housing and affordable housing at a time where the Council cannot demonstrate a 5 year supply.
- 7.64 The application demonstrates that it can be accommodated without any significant harm to highway safety or the amenity of neighbouring properties. The development would not be at risk of flooding or increase flood risk elsewhere and a sustainable urban drainage scheme would be delivered.
- 7.65 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 delivery and maintenance of bio-diversity net gain measures off-site, 26 affordable homes (including 7 first homes), a contribution of 5,228.26 (off-site affordable housing) a contribution of £58,725 (travel plan bond), a contribution of £5,000 (travel plan monitoring), a contribution of £78,480 (healthcare), a contribution of £12,710.70 (parks and gardens), a contribution of £5,314.70 (allotments) and a contribution of £6131.06 (library stock).
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 Rev A
Planning Layout – 008 Rev L
Adoptable Areas Plan – 400 Rev H
Materials Plan – 600 Rev H
Enclosures Plan – 700 Rev H
Internal Highway Layout 600539-HEX-XX-XX-DR-TP-0105 Rev P04
Proposed Site Access 600539-HEXA-XX-XX-DR-TP-0103 Rev P05
General Arrangement – 11008-FPCR-XX-XX-DR-L-0001 P09
Structural Landscape Detailed Plan (Sheet 1 of 3) - 11008-FPCR-XX-XX-DR-L-0002 P09
Structural Landscape Detailed Plan (Sheet 2 of 3) - 11008-FPCR-XX-XX-DR-L-0003 P09
Structural Landscape Detailed Plan (Sheet 3 of 3) - 11008-FPCR-XX-XX-DR-L-0004 P09
Private On Plot Detailed Landscape Plan (Sheet 1 of 4) - 11008-FPCR-XX-XX-DR-L-0005 P09
Private On Plot Detailed Landscape Plan (Sheet 2 of 4) - 11008-FPCR-XX-XX-DR-L-0006 P09
Private On Plot Detailed Landscape Plan (Sheet 3 of 4) - 11008-FPCR-XX-XX-DR-L-0007 P09
Private On Plot Detailed Landscape Plan (Sheet 4 of 4) - 11008-FPCR-XX-XX-DR-L-0008 P09
Sudbury Elevations and Floor Plans – 100-01
Kedleston Elevations and Floor Plans – 100-01
Beal (Corner turner) Elevations and Floor Plans – 100-01
Beal Elevations and Floor Plans – 100-01
Hardwick Elevations – 100-01
Hardwick Floor Plans – 100-02
Trowbridge Elevations and Floor Plans – 100-01
Trowbridge V1 Elevations and Floor Plans – 100-01
Petworth Elevations and Floor Plans – 100-01
Winster Elevations – 100-01
Winster Floor Plans – 100-02
Buckingham Elevations and Floor Plans – 100-01
Bradwell Variant 1 Elevations – 100-01
Bradwell Variant 2 Elevations – 100-02
Bradwell Variant 3 Elevations – 100-03
Bradwell Floor Plans – 100-04
Westbury Elevations – 100-01
Westbury Floor Plans – 100-01
Liversage Elevations – 100-01
Liversage Floor Plans – 100-01
Hemlock Elevations – 100-01
Hemlock Floor Plans – 100-02
1 Bed Quad Block Elevations – 100-01 Rev A
1 Bed Quad Block Floor Plans – 100-02 Rev A
1 Bed Quad Block (Hipped Roof) Elevations – 100-01 Rev A
1 Bed Quad Block (Hipped Roof) Floor Plans – 100-02 Rev A
2 Bed Affordable Elevations – 100-01
2 Bed Affordable Floor Plans – 100-02

3 Bed Affordable Elevations – 100-01
3 Bed Affordable Floor Plans – 100-02
Single Garage Floor Plans and Elevations – 100-01
Single Garage 1 Floor Plans and Elevations – 100-02
Shared Garage Floor Plans and Elevations – 100-03

Arboricultural Assessment – Rev B
Flood Risk Assessment – WAY-DCE-XX-XX-RP-C-0001 Rev P05
Framework Travel Plan – 600539-HEX-00-TP-RP-X-0001 V03
Transport Assessment – 600539-HEX-XX-TP-RP-X-0001 V03
Phase 1 & 2 Geo-Environmental Report – 100752 V1.0
Ecological Appraisal November 2022 Rev A
Bat Survey Report November 2022
Badger Report November 2022 Rev B
Biodiversity Net Gain Report Rev C
Biodiversity Metric dated 25.07.23

Reason:

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

3. 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 before the first occupation of any part of the development.

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).

4. 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.

5. 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.
 - 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.

6. No development shall commence until a Landscape and Biodiversity Enhancement and Management Plan (LBEMP) has been submitted to, and be approved in writing by, the Local Planning Authority. 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 Metric dated 25.07.23' and to achieve no less than a [+1.86%] 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) 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.

- 7. No development shall commence until (including preparatory site clearance) a Badger Mitigation Strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include the following:
 - a) results of a recent survey;
 - b) the requirement for a mitigation licence, where necessary;
 - c) the specification and location for an artificial sett;
 - d) the location of any protective fencing, buffer zones or other construction-stage mitigation;
 - e) details of landscaping to benefit or safeguard badgers on site.

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

Reason:

In order to safeguard protected species from undue disturbance and impacts, noting that initial preparatory works could have unacceptable impacts 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. 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. Guidelines can be found in Guidance Note 08/23 -

Bats and Artificial Lighting at Night (BCT and ILP, 2023). The development shall be carried out in accordance with the approved details.

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).

9. 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. List the approved documents Flood Risk Assessment, prepared by Dice Consulting Engineers Ltd, Reference WAY-DCE-XX-XX-RP-C-0001 Revision PO5, dated July 2023 “including the date of the document and version number and also state “including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team”.
 - b. Site Location Plan with Topo, Drawing No. 0000 (no status provided) No objections in principle Conditions Recommended X Objection Recommended PUBLIC
 - c. And DEFRA’s Non-statutory technical standards for sustainable drainage systems (March 2015),
- have been submitted to and approved in writing by the Local Planning Authority.”

Reason:

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

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

Reason:

To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options.

11. Prior to commencement of the development, the applicant shall submit for approval to the LPA 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 LPA, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.

Reason:

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

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. The Development hereby approved shall not be occupied until the access, parking and turning facilities that that individual building to the nearest public highway has been provided as shown on drawings 600539-HEX-XX-XX-DR-TP-0105 P04 and 008 Rev.

Reason:

To ensure conformity with submitted details and in the interest of highway safety in accordance with policies S4 and HC19 of the Adopted Derbyshire Dales Local Plan (2017) and policy TRA1 of the Ashbourne Neighbourhood Plan (2021).

14. No individual dwelling in the Development hereby approved shall not be occupied until sheltered, secure and accessible bicycle parking has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The storage area shall be maintained for this purpose thereafter.

Reason:

To promote sustainable travel and healthy communities in accordance with policies S4 and HC19 of the Adopted Derbyshire Dales Local Plan (2017) and policy TRA1 of the Ashbourne Neighbourhood Plan (2021).

15. No works or development shall take place until full details of all proposed street tree planting, root protection systems, future management plan, and the proposed times of planting, have been approved in writing by the local planning authority, and all tree planting shall be carried out in accordance with those details and at those times.

Reason:

To ensure the continued wellbeing of the trees in the interests of the amenity and environmental quality of the locality in accordance with policies PD5 and PD6 of the Adopted Derbyshire Dales Local Plan (2017).

16. The development hereby approved shall not be occupied until the site access works shown on drawing 600539-HEXA-XX-XX-DR-TP-0103 P05 have been constructed and completed.

Reason:

In the interest of highway safety in accordance with policies S4 and HC19 of the Adopted Derbyshire Dales Local Plan (2017) and policy TRA1 of the Ashbourne Neighbourhood Plan (2021).

17. The Residential Travel Plan V03 hereby approved, dated 1st August 2023 shall be implemented and monitored in accordance with the regime contained within the Plan. In the event of failing to meet the targets within the Plan a revised Plan shall be submitted to and approved in writing by the Local Planning Authority to address any shortfalls, and where necessary make provision for and promote improved sustainable forms of access to and from the site. The Plan thereafter shall be implemented and updated in agreement with the Local Planning Authority and thereafter implemented as amended.

Reason:

To reduce vehicle movements and promote sustainable access in accordance with policies S4 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

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

Reason:

In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development in accordance with policies S4 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

19. 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, a site specific tree protection plan and Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason:

To protect retained trees during the development phase in the interests of safety, stability and health of the trees and to ensure continuity of their contribution to visual amenity, wildlife and biodiversity benefits, human health and social benefits, climate change minimisation in accordance with policies PD3, PD6 and PD7 of the Adopted Derbyshire Dales Local Plan (2017).

20. 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 PD5 of the Adopted Derbyshire Dales Local Plan and the National Planning Policy Framework.

21. 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 PD5 of the Adopted Derbyshire Dales Local Plan and the National Planning Policy Framework.

22. Prior to the commencement of the development, 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).

23. 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.

24. 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).

25. 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).

26. 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).

27. 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).

28. Notwithstanding the provisions of Class AA 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:

The Local Planning Authority prior to and during the consideration of the application engaged in a positive and proactive dialogue with the applicant which resulted in the submission of a scheme that overcame initial concerns relating to the impact of the development on the landscape, highway safety and biodiversity on site.

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

Works on the Public Highway

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

Contact the Highway Authority's Implementation team at: development.implementation@derbyshire.gov.uk 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.

Street Trees

All new streets must be tree lines as required in the National Planning Policy Framework. All proposed street trees must be suitable for transport corridors as defined by Trees and Design Action Group (TDAG). Details should be provided of what management systems are to be included, this includes root protections, watering and ongoing management. Street trees are likely to be subject to a commuted sum.

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. The applicant should provide a flood evacuation plan which outlines:
- The flood warning procedure
 - A safe point of extraction
 - How users can safely evacuate the site upon receipt of a flood warning
 - The areas of responsibility for those participating in the plan
 - The procedures for implementing the plan
 - How users will be made aware of flood risk
 - How users will be made aware of flood resilience
 - Who will be responsible for the update of the flood evacuation plan
- H. Flood resilience should be duly considered in the design of the new building(s) or renovation. Guidance may be found in BRE Digest 532 Parts 1 and 2, 2012 and BRE Good Building Guide 84.
- I. Surface water drainage plans should include the following:
- Rainwater pipes, gullies and drainage channels including cover levels.
 - Inspection chambers, manholes and silt traps including cover and invert levels.
 - Pipe sizes, pipe materials, gradients, flow directions and pipe numbers.
 - Soakaways, including size and material.
 - Typical inspection chamber / soakaway / silt trap and SW attenuation details.
 - Site ground levels and finished floor levels.
- J. On Site Surface Water Management;
- The site is required to accommodate rainfall volumes up to the 1% probability annual rainfall event (plus climate change) whilst ensuring no flooding to buildings or adjacent land.
 - The applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas, etc, to demonstrate how the 30 year + 35% climate change and 100 year + 40% Climate Change rainfall volumes will be controlled and accommodated. In addition, an appropriate allowance should be made for urban creep throughout the lifetime of the development as per 'BS 8582:2013 Code of Practice for Surface Water Management for Developed Sites' (to be agreed with the LLFA).
 - Production of a plan showing above ground flood pathways (where relevant) for events in excess of the 1% probability annual rainfall event, to ensure exceedance routes can be safely managed.
 - A plan detailing the impermeable area attributed to each drainage asset (pipes, swales, etc), attenuation basins/balancing ponds are to be treated as an impermeable area.

Peak Flow Control

- For greenfield developments, the peak run-off rate from the development to any highway drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event, should never exceed the peak greenfield run-off rate for the same event.

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

Volume Control

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

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

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

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

- L. All Micro Drainage calculations and results must be submitted in .MDX format, to the LPA. (Other methods of drainage calculations are acceptable.)
- M. The applicant should submit a comprehensive management plan detailing how surface water shall be managed on site during the construction phase of the development ensuring there is no increase in flood risk off site or to occupied buildings within the development.
- N. The applicant should manage construction activities in line with the CIRIA Guidance on the Construction of SuDS Manual C768, to ensure that the effectiveness of proposed SuDS features is not compromised.