

APPLICATION NUMBER		23/01102/FUL	
SITE ADDRESS:		Land North of Hawthorn House, Clifton Road, Clifton, Derbyshire	
DESCRIPTION OF DEVELOPMENT		Erection of 9 no. dwellinghouses and associated works	
CASE OFFICER	Mr. G. A. Griffiths	APPLICANT	Mrs C. Potter
PARISH	Clifton And Compton	AGENT	Sammons Architectural Limited
WARD MEMBERS	Cllr. R. Archer Cllr A. Bates Cllr. N. Wilton	DETERMINATION TARGET	13 th December 2023
REASON FOR DETERMINATION BY COMMITTEE	Requested by Ward Members and nature of the application	REASON FOR SITE VISIT (IF APPLICABLE)	To assess the site in its context, as development falls outside Clifton village boundary, and matters of highway safety.

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • Planning policy • Housing mix and affordable housing • Other contributions • Impact on the character and appearance of the area • Impact on amenity • Impact on hedgerow and trees • Impact on biodiversity and wildlife • Highway matters • Flooding risk and drainage • Climate change

RECOMMENDATION
That the application be refused.

1. THE SITE AND SURROUNDINGS

- 1.1 The application site comprises a broadly rectangular parcel of land of some 0.90 ha. The site is on the western side of the A515 close to the junction with Doles Lane. The application site which is greenfield in nature and belongs under the ownership of Hawthorn House which lies to the south. A detached timber stable block, shed and greenhouse are located within the north eastern corner of the site. Residential development lies to the south west with open countryside to the north and west. The land falls away gradually in an east to west direction.
- 1.2 The site lies outside the settlement of Clifton but it immediately abuts it to the south.





2. DETAILS OF THE APPLICATION

- 2.1 Full planning permission is sought for the demolition of a stable block, shed and greenhouse and the redevelopment of a field to provide nine open market, detached dwellings with open space, soft and hard landscaping, highways and drainage infrastructure and associated works. The dwellings are proposed to be set in a cul-de-sac with a new access formed directly off the A515.
- 2.2 The dwellings are all proposed to comprise of detached dwellings with detached garages set in spacious plots. There are two house types proposed. House type A is proposed on Plots 2, 4, 5 and 6. These are proposed to measure some 11.6m wide and 8m deep, with an eaves height of 5.4m and an overall ridge height of 8.85m. They are proposed to have a footprint of some 92.8 square metres and an overall internal floor area of 210 square metres. The accommodation would provide an open plan kitchen, family room, hallway, w.c., utility room and separate lounge at ground floor with an en-suite master bedroom, two further bedrooms and family bathroom at first floor level and a further bedroom and play room in the attic.
- 2.3 House type B is proposed on Plots 1, 3, 7, 8 and 9. These are proposed to have the same ground floor layout as house type A with ensuite master bedroom, three further bedrooms and family bathroom above. Whilst the footprint of house type B would be the same as house type A, it is proposed that the floor area would be less, at 160 square metres, as no rooms are proposed in the roof space. All properties would be provided with a detached double garage, measuring 6.5m x 6.5m with an eaves height of 2.35m and an overall ridge height of 5.2m, with additional parking and turning spaces also provided.
- 2.4 In terms of materials, it is proposed that the dwellings would be constructed from red facing brickwork with a plain tile roof, with projecting brick eaves and verges and dentil course detailing. The windows are proposed to be timber casements set within reconstituted stone heads and cills. The proposed entrance doors would be painted timber, with the bi-fold

doors being of aluminium, again having reconstituted stone heads. Rooflights are proposed to be the Velux conservation style and the rainwater goods to be black plastic.

- 2.5 In order to provide the private access road into the site, a section of the roadside hedge, and two trees within the centre of the site, are proposed to be removed. Modifications are also proposed to the existing roadside enclosure at Hawthorn House to achieve the necessary visibility splays along the road frontage. Private amenity space is proposed to the front, side and rear of the properties. A small area of land on the southern side of the access is proposed to be given over to Hawthorn House, in order to provide it with a larger domestic curtilage. In terms of boundary treatments, a mix of black painted metal estate fencing and drystone walling are proposed to line the proposed road. Individual plots are proposed to be delineated by 1.2m timber post and rail fencing and mixed native hedgerows.
- 2.6 The applicant advises that whilst Clifton is a small rural village, it has a public house, village hall, parish church and the area is rich in tourist attractions, with many walking/biking opportunities and other attractions/activities in close proximity. It also benefits from a on demand, dial up bus service which provides connections to neighbouring towns and villages. Ashbourne lies approximately 1.25 miles to the north east of the application site, which is served by bus links.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2017)

S1	Sustainable Development Principles
S2	Settlement Hierarchy
S3	Development within Defined Settlement Boundaries
S4	Development in the Countryside
S9	Rural Parishes Development Strategy
S10	Local Infrastructure Provision and Developer Contributions
PD1	Design and Place Making
PD3	Biodiversity and the Natural Environment
PD5	Landscape Character
PD6	Trees, Hedgerows and Woodlands
PD7	Climate Change
PD8	Flood Risk Management and Water Quality
HC1	Location of Housing Development
HC4	Affordable Housing Provision
HC11	Housing Mix and Type
HC14	Open Space, Sports and Recreation Facilities
HC19	Accessibility and Transport
HC20	Managing Travel Demand
HC21	Car Parking Standards

3.2 Derbyshire Dales District Council Developer Contributions Supplementary Planning Document (2020)

3.3 Derbyshire Dales District Council Climate Change Supplementary Planning Document (2021)

3.4 Derbyshire Dales District Council Landscape Character and Design Supplementary Planning Document (2018)

3.5 National Planning Policy Framework

3.6 National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

4.1 None

5. CONSULTATION RESPONSES

Parish Council

5.1 Policy

- the development would fall outside the settlement boundary of Clifton Village which immediately questions the point of all previous consultations and agreements on the local area boundaries
- would go against Derbyshire Dales District Council's own stipulations and would set a precedent for other developers looking to line their pockets through market sales of such large properties
- the development would not meet the top three criteria (S2, HC4 and HC13) which refer to higher order 4th and 5th tier villages however, Clifton is recognised as a 3rd tier village within the Derbyshire Dales District Council Local Plan: "Accessible Settlements with some facilities..... they will provide for reduced levels of development in comparison to higher order settlements in order to safeguard and, where possible, improve their role consistent with maintaining or enhancing key environmental attributes....New development should be focused within the settlement boundaries of these settlements in accordance with their scale, role and function unless otherwise indicated in the Local Plan." DDDC Local Plan 2017
- planning application does not offer the normal permitted development requirements outside an outlined area and appears to have been deliberately restricted to 4 bedroom properties (x9) in order to avoid the need to deliver required 'affordable housing' alongside (HC4), a quota which Ashbourne has clearly met across its several new developments
- the strategy for the Rural Parishes is to ensure that new development does not have any significant adverse impact upon the character and appearance of these villages, and the surrounding countryside – Ashbourne has already been subjected to a significant proportion of the district's new housing provision, to agree this development application would not only change the character of Clifton Village but the designated surrounding countryside could very quickly become swallowed up by the town which is exactly why these agreed boundaries should be observed
- whilst the Derbyshire Dales District Council do consider changing demographics, in particular towards an inevitable ageing population, such a development is clearly aimed at well-heeled families
- this will put pressure on the already well subscribed local primary school within the village
- in June 2023 Derbyshire Dales District Council stated that it had re-established its Local Plan sub-committee, with the new leadership pledging to put communities at the centre of the Plan-making process – "We believe that communities themselves should be at the centre of the Plan-making process, and where our Local Plan involves change we want our communities to shape that change and to own that change" – DDDC Putting Communities at the centre of Local Plan review
- the local community in Clifton was very much involved in contributing to the existing Local Plan - much time and effort was made by the residents of Clifton and the Parish Council in particular, into establishing the settlement development boundaries which fed into the 2017 Local Plan
- request that the local community of Clifton is indeed put at the centre of the plan-making process and do not want the village to become a suburb of Ashbourne, don't want to lose our village character and neither need nor want this development and request that this planning application is immediately refused.

Highway Matters

- A515 is an extremely busy road where, contrary to that claimed by the applicant, there have been numerous collisions and even fatalities within the location directly relating to the proposed development. With this in mind, we would also like to question the issue of site vehicles entering and exiting onto this renowned dangerous main road throughout the build with only the one available, narrow entrance
- use of traffic lights would cause tremendous tailbacks and likely collision issues for the numerous large, fast moving haulage vehicles constantly arriving or leaving Ashbourne along this road
- the sight line is dubious and speeds excessive
- already have to contend with the issues currently being experienced by Clifton residents attempting to enter across into Doles Lane, which is positioned extremely close to the suggested planned site entrance
- note that the few people who have written in support of this application, none of whom appear to reside in Clifton Village itself, have advocated the location as being well served by public transport - anyone who actually lives in the village (or even nearby) knows that there isn't any public transport provision at all
- vast majority of Clifton residents are car users - they have no choice

Drainage

- planning application form states that both surface and foul drainage for the site will be pumped into mains drainage in the main road - however, in contradiction the site plan 2023-2781-02 Rev D refers to a soakaway system
- a soakaway system is strongly objected to as any surface water put to soakaway would effectively end up in the adjacent floodplain with the associated increase in flood risk for houses and land along Doles Lane and Watery Lane which suffer regularly from flooding
- an important concern alongside all inevitable Climate Change considerations for new developments

Biodiversity and Ecology

- lauding of the bio-diversity spreadsheet by distant supporters of the application (one as far as Dorset) is also of interest but obfuscates the obvious - removing trees, hedgerows and grassland, then replacing with tarmac and concrete will destroy existing habitats for foxes, badgers, rabbits, birds and many other species no matter what notional numbers are fed into excel
- concern as to how the baseline number used in the "Biodiversity Net Gain Report" for existing hedgerow H1 appears to exclude a length of hedgerow on the site which is clearly visible on aerial photography - the section of hedgerow connects to the hedgerow on the eastern side of the field and would add a further 20m to the H1 measurement on the baseline
- given that only a tiny gain appears to be achieved in the report, even when planting almost 50 trees (it will be a very cramped site), the omission of this section of the hedge raises a question mark over whether there is really any gain at all

Summary

- believe that each of the above mentioned points are pertinent to this issue but in particular, that permitting this application to go forward would set a dangerous precedent and question Derbyshire Dales District Council's own decisions which need to be seen to be enforced

Lead Local Flood Authority (Derbyshire County Council)

- 5.2 - checked mapping and the photos provided broadly reflect the flood zone outlines leaving the proposed site outside of Flood Zones 2 and 3
- being in Flood Zone 1, the proposed site has a 0.1% or less chance of fluvial flooding in any given year
 - there are currently no surface water flow routes through the site showing on the surface water flooding maps.

Local Highway Authority (Derbyshire County Council)

5.3 Comments on initial submission

- proposal will be served from Clifton Road, a well trafficked classified road subject to a 50mph speed limit in this location
- the visibility sightlines shown on the drawings appear to go through the hedge on the opposite side of the carriageway which does not appear to be controlled
- the visibility sightlines will need to be demonstrated to the nearside carriageway edge, over controlled land and they should also be shown to the tangent points
- the layout plan should also be annotated to show the carriageway and footway widths along with driveway dimensions
- a tracking plan is also required to show that the relevant refuse vehicle can suitably manoeuvre within the site
- applicant should also be aware that garages are no longer considered as vehicle parking, although they can be used for cycle parking and, therefore, sufficient parking should be demonstrated on the driveways
- request the determination of the application be held in abeyance until the above details have been submitted.

Comments on amended drawings and additional information

- having considered the details, along with the highway boundary information and accident data from the surrounding area do not consider that a highway objection could be sustained
- conditions should be included on any consent granted with regard to:
 - parking of vehicle of site operatives and visitors;
 - 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
 - highway condition survey
 - methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses
 - development shall not be occupied until the means of access for vehicles, pedestrians and cyclists have been constructed and completed and access, parking and turning facilities provided as shown on drawing 2023-2781-02 Rev F
 - development shall not be occupied until visibility splays are provided for a distance of 160 metres in each direction measured along the nearside edge of the adjoining carriageway and offset
- informatives requested, including advice that the site is affected by Building Line 23B which will need to be revoked prior to work commencing within the site.

Arboriculture and Landscape Officer (Derbyshire Dales District Council)

5.4 Initial Comments

- the site and its immediate surroundings are not currently subject to DDDC Tree Preservation Order and are not within a conservation area. There are no recognised veteran trees or ancient woodland close enough to the site to be adversely affected by the proposals
- submitted plans, aerial images and a site visit indicate that existing trees and established hedgerows lie within the red line boundary and/or within distance close enough to the site to potentially be adversely affected by the proposals
- while such trees may not currently benefit from statutory protection, they may provide benefits to landscape, people, society, environment, wildlife and biodiversity
- trees are a material planning consideration because of the need to balance the diverse range of services they provide against development proposals.
- Adopted Local Plan (2017) and DDDC's Landscape Character and Design Supplementary Planning Document (2018) require that trees of value be retained, protected and integrated within development wherever possible
- arboricultural report indicates that the majority of the existing trees would be retained by virtue of their peripheral locations around the boundaries of the site
- recommend that the proposed site layout be redesigned to allow retention and successful incorporation of trees T11 and T12 - current design would necessitate removal of these 2 mature Norway maples which were identified in the submitted arboricultural report as BS5837 (2012) Category B which are trees of sufficient quality to be considered constraints on development
- being large mature trees and located toward the centre of the site, they have potential to offer valuable amenity and to make a significant positive contribution to the character and appearance of the site and development
- recommend that if the proposals are to be granted planning consent with their current site layout design, then:
 - a scale Tree Protection Plan should be required to be submitted for approval pre-determination to show the location of temporary tree protection fencing
 - excessive shading of proposed houses by trees is unlikely to be a problem, and
 - a condition should be included that requires all guidance provided within the submitted arboricultural report to be followed
- proposed development of a modern-style dwellinghouse at the very edge of the built-up area of the village, bordering open undeveloped countryside and adjacent a road - has the potential to appear visually prominent from the public realm and impact the character and appearance of the site and locality
- recommend that a Landscape Visual Impact Assessment report should be submitted for approval pre-determination.

Addendum to Comments

- a new Tree Preservation Order (DDDC TPO 202) has now been made with immediate effect (to be confirmed within 6 months) that protects the 2 maple trees located within the field and 3 trees located close to/within the boundary hedgerow adjacent the A515 road, all at this site.
- the new TPO was made to protect the amenity of these trees
- the planning application should be determined bearing in mind the protected status of these trees
- they should be retained and any development at the site should be required to provide appropriate undeveloped space around them and protection for them during any development works to ensure they are not harmed.

Derbyshire Wildlife Trust

- 5.5 - have reviewed ecological appraisal, biodiversity net gain (BNG) report and arboricultural report

- do not support large trees nor hedgerows being incorporated into the curtilage of dwellings
- concerned about future pressure for tree removal and tree works such as crown reduction, branch lopping, etc.
- do not support removal of two mature trees to accommodate access road
- tree planting cannot realistically compensate for the loss of such trees in the short-medium term
- the mature trees are the main features of value on the site and should therefore be factored into the design in accordance with good practice for biodiversity net gain
- ecological work appears broadly acceptable
- have concern over the 'Ecological Enhancement Planting' areas, many of which are proposed to rear gardens, separated from garden space by either post and rail fence or hedgerow – not clear if they will be in occupiers deeds and there is no access for future management and monitoring by an external company
- 48 trees stated in the BNG report but these are not evident on the site plan
- hedgerows proposed as curtilage boundaries but there is no safeguard on these
- not satisfied that a net gain will be realistically achieved based on current design
- note that a copy of the BNG metric has not been submitted which is essential to enable proper review of the BNG calculations.

Environmental Health (Derbyshire Dales District Council)

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

6. REPRESENTATIONS RECEIVED

- 6.1 A total of 78 representations, largely from residents living in the locality, objecting to the application and which are summarised as follows:

Policy

- Council has taken the trouble to confirm and publish the Village Plan that clearly has a boundary
- land lies outside the development line which was carefully determined and thus would be seen as a precedent if approved outside the planning authority's designated settlement boundary
- find it very difficult to believe that the Ashbourne area is behind quota given the sheer amount of new housing going up and green fields disappearing
- no mention that Ashbourne and the surrounding area is currently planning to exceed its target with the already significant overdevelopment in the area - already puts a huge amount of strain on the local infrastructure so exceeding the already overdevelopment further would seem very irresponsible
- Ashbourne is ahead of new housing and currently there are surplus empty new houses on developments in the area
- Ashbourne Neighbourhood Plan (2019-2033) says housing need broadly 883 dwellings – existing housing supply is 989 dwellings based on completions, detailed and outline planning consents giving excess of 166 dwellings
- Adopted Local Plan states that Ashbourne Airfield (Phase 2) is capable of delivering in the order of 1100 dwellings 800 of which will be within the period up to 2033
- surveys have shown no demand for housing in Clifton
- settlement boundaries for First, Second and Third Tier settlements are defined on the Policies Maps - new development should be focused within the settlement boundaries of these settlements in accordance with their scale, role and function unless otherwise

indicated in the Local Plan which does not otherwise indicate any requirement to turn Clifton village into a suburb of Ashbourne

- continued merging of quaint villages with local towns is detrimental to tourism, and property prices
- would change the nature and community feel of the village to continue drip fed expansion
- Clifton has no shops, poor/non-existent public transport, no local infrastructure and a poorly maintained and narrow footpath leading to Ashbourne alongside the extremely busy and dangerous main road
- village school already at or near capacity
- proposed houses are family houses which would impact the village school and the local health services
- was prime grazing land which was used by a local farmer for 20 years for sheep and cattle - condition of the land has only deteriorated since the purchase of Hawthorn House and that previously it was considered good land for animal grazing by the local farmer
- medical and dental practices within the town are oversubscribed, secondary school is woefully full and nightlife in the town is extremely limited
- over the last five years, a good proportion of the shops and banks have closed
- seems difficult to think that many of the people who would be residing on the proposed site would actually be able to gain employment in Ashbourne due to the limited number of jobs and would need to travel by car for work and to buy many things which couldn't be obtained locally - surely this would contravene the District Council's Adopted Climate Change Policy
- no advantages to the village of Clifton or the community not helping the cohesion or sustainability
- nothing about improvement to local infrastructure
- national shortage of appropriate affordable housing
- can applicant explain what social benefits another nine, 4 bedroom luxury houses will bring to an area crying out for affordable housing?
- would encourage further building applications on surrounding land

Character and Appearance

- since the development of the Waterside Retail Park and the Aldi supermarket in Ashbourne, the boundary between Ashbourne and Clifton has noticeably reduced
- with this additional proposal and the potential for this to bring more applications then Clifton would lose its individual village identity and essentially become a suburb of Ashbourne
- ribbon development
- Clifton is a small village and the 500 or so residents chose to live here because it is a lovely village set at the side of a wonderful market town and every effort should be made to protect this aspect of the village
- what would Derbyshire be like if all villages and towns were joined?
- site is a very pretty little paddock and obviously it has hedgerows and mature trees which would have to be eradicated
- these paddocks, orchards and crofts are disappearing at an alarming rate and they are so pretty, precious and such a quintessential part of Britain

Amenity

- noted that there is no BRE (2022) Site Layout Planning for Daylight and Sunlight report included in this application to confirm the impact that the new buildings will have on neighbouring amenity

- given the relative levels and the modest separation distances, particularly between gardens, the applicant should demonstrate that there will be no adverse impact to amenity (rooms, windows and the rear garden)
- housing on the eastern part of Greenacre will lose privacy and views
- dwellings in question will overlook the rear of property and back garden and will look directly into the two rear facing bedrooms
- elevated aspect of the site in relation to neighbours' property means any fencing put up to aid privacy would cut off any light into garden.
- land stands approximately 1meter above the neighbour's and any dwellings would severely impact the light into back garden
- as back garden is south facing, any dwellings would shade light into the garden and the rear rooms of home, risking the integrity of house for damp and air flow.
- due to heavy traffic air pollution is already an increasing problem, not only for Clifton School, which sits metres away from the A515 but other properties near to the road

Drainage and Flooding

- drainage details are very vague
- indicate that storm water from dwelling roofs will discharge to soakaways but foul drainage and storm drainage from driveways will be via a pumped system to the main sewer – an attenuation system is proposed to deal with excess storm water but this means a very large tank or storm water lagoon
- applicant states that pump system would have dual power in case of power failure – what would the back-up system be
- where is all the equipment – pumps, tank overflow lagoon going to be housed – will not fit in the 12m² service compound indicated
- who pays for the cost of running and maintaining the system
- proposed method of dealing with the drainage is neither workable, sustainable nor environmentally friendly
- area around the site is a massive flood plain as recently witnessed in the latest storms throughout the country
- Imperative that the Environment Agency are consulted as soon as possible on the disposal of surface water from the site
- Environment Agency's flood risk map clearly shows the extent of the risk to the field immediately below the proposed development
- there are a plethora of photos which clearly endorse the plight of residents to the north and west of the proposal
- is not the site itself which is at risk of flooding, but it is the consequences of the buildings on the site that will cause many properties in the valley below to have their flood risk increased
- any surface water put to soakaway would effectively end up in the adjacent flood plain with the associated increase in flood risk for houses and land along Doles Lane and Watery Lane
- rainwater falling on the proposed site, which would be captured and diverted into its own sewage system, could exacerbate the problem that the pumping station has along the main A52 road (to which the wastewater would be sent)
- adding hard standing ground in the area this will only exacerbate the issue
- the land level of the field proposed is currently above many of the gardens and houses on Doles/Green Lane so any significant rainfall will only lead to these houses flooding
- surface flooding from the overloading of the drainage systems causing huge expense and damage to property in addition to the dangerous flooding levels already achieved by the Henmore Brook
- in December 2018, a young woman lost her life in flood waters at the Henmore Brook, Doles Lane

- the Local Authority is charged with answering the question, “can sustainable development be achieved through new development located entirely within areas with a low risk of flooding?” - clearly the answer to this is, “yes” and hundreds of homes have been recently built, approved and applied for on the high ground immediately to the south of Ashbourne
- sewage system from Clifton Village runs across the fields of the valley to a pumping station located adjacent to the main A52 road and is already inadequate
- there are frequent complaints from the residents of Hanging Bridge as to the inability of the pumping station to clear the sewers
- Seven Trent have recently been clearing the system in order to facilitate the overflow from the pumping station into The River Dove - this is regarded as unacceptable and adding to the problem may prove disastrous from an ecological standpoint
- noted that the applicant does not provide a definitive way of dealing with the waste and could demonstrate that little thought has been given to this difficult issue
- due to the agricultural history of the field, it is cross hatched with unmapped water pipes put in to service the stables and water troughs which currently run through neighbour’s garden and service several households on the main road.

Highway Safety

- A515 is a major road with very high levels of traffic at high speeds due to the 50mph speed limit without any speed cameras to keep people within the speed limit
- a large quantity of this traffic is lorries/HGVs due to the lack of a bypass around Ashbourne
- have been several fatalities on this road and a recent report from the Road Safety Foundation stated the A515 to be one of the most dangerous roads in the County
- have been a significant number of incidents recorded and many more that have not
- according to Derbyshire County Council’s personal injury collision data, there have been eight recorded injuries/collisions between the A515/Cock Hill junction to A515/A52 roundabout over the past ten years
- as a village, have been asking for the speed limits on the A515 to be reduced as there have been a number of serious accidents on this stretch of road and this will increase that danger
- magnitude of traffic has increased dramatically over the years and it is sometimes extremely difficult to pull onto the A515
- proposal indicates that there would be provision for at least twenty-seven cars
- proposed access is situated directly after a blind corner when travelling between Ashbourne and the A50
- adding another access point onto the will make the road more dangerous for all road users
- proposes to add a fifth access onto the A515 over a short stretch of 120m of highway
- exit from the site is on an upward gradient and vehicles would need to accelerate at some speed to join the flow of traffic and entry to the site would require following traffic to slow down rapidly
- footpath between the proposed development and Ashbourne is not maintained and is overgrown and would need significant upgrade if this development were to go ahead
- site plan below shows that Plots 1 and 9 have small driveways - visitors and deliveries may only be able to park on the road, therefore restricting easy access to/from the development
- parking on the proposed development does not appear to be at a premium, which could lead to residents/visitors using Doles Lane as a parking ground
- when road parking occurs large service vehicles will be unable to turn and will have to reverse onto A%15 and the danger that entails

- documented that options A and B of the proposed Ashbourne bypass will only add more traffic to the A515 so no further developments with access to/from this road should be approved, now or in the future
- have seen tyre tracks on the grass verge on more than one occasion indicating that lorries mount the curb, which also makes frequent pedestrian access even more risky
- no street lighting along footpath and the existing street lighting linking Doles Lane to Clifton village is poor, which creates a number of dark areas.

Biodiversity and Wildlife

- the Biodiversity Net Gain Report (which has attracted people from all over the UK to sing the praises of this application) suggests the development will increase Biodiversity - find it hard to believe that the addition of 48 small trees is even possible around nine houses, garages and a road to each of them on this footprint
- the Biodiversity Net Gain Report misses out the hedge altogether in the calculations it clearly is part of the hedge that runs along the eastern perimeter and is referred to as H1 – if it had been included, approximately 20m would be needed to be added to the H1 baseline measurement - presumably, it's omission avoids the very negligible gain reported may become a loss if it was included on the baseline
- suggest that biodiversity net gain should be 10% but also that aspirational and not mandatory – assessed net gain of 1.28% comes nowhere near this target
- states a net gain of 52.39% in hedgerow units with some 105m being along the south west boundary with existing dwellings on Green/Doles Lane – not convinced much wildlife will be attracted to hedgerow between gardens
- 1m area adjacent to hedge would be undisturbed ground – presume this is on both sides and hedge would have to be planted 1m from existing residential boundaries – who will maintain this and how will it be accessed
- shows 'other grassland' to be managed to create a varied sward, to be cut each year and cleared of bracken, bramble or scrub clumps – once plots sold these would be under the ownership of residents and retention could not be guaranteed let alone their management policed
- biodiversity net gain strategy relies on the creation, and retention, of new habitat areas within private curtilage - entirety of the scheme should be re-worked to provide areas of habitat that can be managed separately outside of private curtilage, as it is unlikely that the proposed habitat creation areas will remain once conveyed to private owners
- field and surrounding area is the habitat of many local animal species including rabbits, foxes squirrels, badgers, birds and bats
- new trees are no replacement for mature trees
- hedgerows and habitat would be lost forever and a huge proportion of the site would be set under concrete
- ask how it can be claimed, "it is not considered that the proposed development would have any adverse impact on biodiversity."
- two Norway Maples noted as "Moderate" but these trees are in very good condition and are very distinctive in the way they have grown together
- are 2 mature trees in the midst of this proposed development but no suggestion of retaining them and they are in the path of the planned access road
- valuable hedgerows and other smaller trees will be lost.

Other Matters

- beyond the green belt
- previous application to build on land within the then village plan less than 400m away was turned down and the land placed outside of the village boundary

- one representation on the planning website in favour of the application from person who resides in Dorset and shares the same surname as the applicant, previously worked for FPCR Environment and Design Ltd who performed the report

6.2 A total of 14 representations, from residents largely living in the wider locality and in other Counties, supporting the application and which are summarised as follows:

- a small development on a site which could potentially accommodate many more houses
- additional family accommodation can only be good for Derbyshire dales and in line with national priority
- site's strategic location allows residents easy access to the town on foot which adds to its appeal
- close to the local amenities and to existing residential properties
- proximity to local schools, shops and public transport offers convenience to future residents, reducing the need to travel by car
- given the availability of public transportation and walkable amenities, this development is unlikely to significantly increase traffic congestion in the area
- refreshing to see the site not overcrowded
- proposed design of the houses in keeping with the surrounding neighbourhood and will enhance the area in providing new houses in a sought after location
- looks a well considered layout, with ample light and space between dwellings
- very little impact on current dwellings, only ones contained within the plans
- generous parking to ensure that the development will not put additional strain on local parking resources
- the loss of agricultural land is insignificant - 2 acres of permanent grass cannot sustain many livestock
- will benefit the town of Ashbourne
- applicant has been proactive and demonstrated biodiversity net gain when it is not yet mandatory
- developed by a well known and long established local family.

7. OFFICER APPRAISAL

Planning Policy

7.1 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 in making any determination under the Planning Acts, regard is to given 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.

7.2 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.

- 7.3 Policy S2 of the Adopted Derbyshire Dales Local Plan (2017) designates Clifton as a Third Tier settlement, not a Fourth Tier settlement as referred to be the applicant. A Third Tier settlement is one defined as a village possessing with some facilities and services that, together with local employment, provide the best opportunities outside of First and Second Tier settlements. However, it is advised that Third Tier settlements will provide for reduced levels of development in comparison to higher order settlements in order to safeguard and, where possible, improve their role consistent with maintaining or enhancing key environmental attributes. It is also advised that new development should be focused within the settlement boundaries of these settlements in accordance with their scale, role and function, unless otherwise indicated in the Local Plan
- 7.4 Policy S4 deals with development in the open countryside and sets out instances where new build dwellings may be approved outside settlement boundaries. With regard to this planning application, the Policy reflects on the guidance in Paragraph 11 of the NPPF and advises that planning permission will be granted for development on non-allocated sites on the edge of defined settlement boundaries of First, Second and Third Tier settlements (Policy S2) in circumstances where there is no 5 year supply subject to consideration against other policies in the Local Plan and the provision of the NPPF.
- 7.5 The applicant advises that, whilst the development would conflict with some parts of Policy S4, concerning new development in the countryside, there is a recognised need for rural housing within the Derbyshire Dales area and, as the District Council is currently unable to demonstrate a 5 year housing land supply at this time, the tilted balance in favour of the development is therefore engaged by virtue of Paragraph 11 of the NPPF.
- 7.6 Having regard to the location of the site and its close proximity to both Clifton village and the neighbouring town of Ashbourne, the applicant considers that development of the land for residential purposes, in the form of a small select and high quality housing scheme, will help to underpin and sustain important services and facilities within the village and make the best use of land. Contrary to the applicant's submission, Clifton is a Tier 3, not a Tier 4, settlement in its designation within Policy S2 of the Adopted Local Plan. This would make it a more sustainable location than the applicant actually advocates in their submission.
- 7.7 Third Tier settlements have defined boundaries and it is recognised that they provide for reduced levels of development in comparison to higher order settlements in order to safeguard and, where possible, improve their role consistent with maintaining or enhancing key environmental attributes. Nevertheless, Policy S4 clearly states that planning permission will be granted for development on the edge of defined settlement development boundaries where the five year housing land supply cannot be demonstrated. Policy HC19 (Accessibility and Transport) also has an overall aim of minimising the need to travel, by promoting development in locations where there is access to a broad range of jobs, services and facilities which are accessible by foot, cycle or public transport with reduced reliance on the private car. Whilst the Clifton is separated from Ashbourne, such facilities are reasonably accessible without having to rely on the private car. However, notwithstanding the above, other material considerations need to be assessed as set out below against the tilted balance in policy principle in favour of the development.

Housing Mix and Affordable Housing

- 7.8 The applicant is of the view that, whilst it could be argued that there is opportunity to potentially provide a higher density housing development on the site, given that the District Council is unable to demonstrate a 5 year housing land supply, that the proposed development of nine dwellings reflects the grain and character of the surrounding area which is characterised by large detached dwellings set within reasonably sized spacious plots. The applicant considers a more intensive development of the site would be likely to be considered inappropriate contextually, having regard to the application site and its

surroundings and, rather than appear as encroaching or harmful, the development presents itself as a logical extension to the village. The applicant states that the proposed development would be constructed from high quality materials which would provide a cohesive appearance to the development and ensure that it is quickly assimilated into its surroundings.

- 7.9 It is the view of Officers that the applicant has purposefully chosen to place nine, large detached dwellings on the site to avoid the policy requirement for affordable housing provision and other physical or financial contributions to the provision of open space, etc. as required by Policy HC14. There is also clearly opportunity to place a mix of dwellinghouses on the site, to accord with Policy HC11 of the Adopted Local Plan (2017). The applicant refers to the development reflecting upon a hamlet; a hamlet does not comprise two house types of four bedroomed houses and the proposals are merely for an enclave of larger dwellinghouses to realise a financial premium from the site development.
- 7.10 In terms of affordable housing provision, Policy H4 requires that all residential developments of 11 dwellings or more, or with a combined floorspace of more than 1000 square metres, should provide 30% of the net dwellings proposed as affordable housing. The applicant is of the view that the amount of development is such that there is no requirement to make any developer contributions or to deliver any affordable housing. However, the site is quite capable of taking 11 or more houses and, therefore, there should be onsite affordable housing provision for 30% of the net dwellings. Therefore, it is not beyond the site parameters to be able to provide for at least three affordable dwellinghouses. The mix of houses would also be more characterful as a 'hamlet' and the use of more than two house types could be used to create a more 'organic' appearance of the site.

Other Contributions

- 7.11 Given that it is considered that 11 or more dwellings can be provided on the site, Policy HC14 requires the provision or contribution towards public open space and sports facilities. The Adopted Developer Contributions Supplementary Planning Document (SPD) 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 sufficient, in most cases, the following deficiencies were identified as likely to occur by 2033:

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

- 7.12 The SPD sets out the provision per dwelling that is required to meet this identified deficiency. In this rural location, natural greenspace would be appropriate, as it would reflect the character of the area and bring biodiversity benefits. There would also be benefits to providing improvements to local recreation facilities. Whilst the lack of provision is not a reason for refusal of planning permission, it is nevertheless worthwhile detailing these other benefits which the development could afford if it were to provide for an appropriate amount and mix of housing development.

Impact on the Character and Appearance of the Area

- 7.13 A key consideration in respect of this application is the impact the proposed development would have upon the local landscape and character, identity and setting of the existing settlement. The specific design policies of the Adopted Local Plan (2017) seek to promote local distinctiveness and positively contribute to the area, as reflected in the NPPF which

confirms that the Government attaches great importance to the design of the built environment. The NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. Developments should function well and establish a strong sense of place, creating attractive and comfortable places to live, work and visit. Proposals should optimise the potential of the site to accommodate development and respond to local character and history including local materials and the use of good architecture and appropriate landscaping. Developments should also create safe and accessible environments where crime and disorder and the fear of crime do not undermine quality of life or community cohesion.

7.14 To this end, Policy S1 of the Adopted Local Plan (2017) advises that development will need to conserve and, where possible, enhance the natural and historic environment, including settlements within the plan area. Policy S4 seeks to ensure that new development in the countryside protects and, where possible, enhances the landscape's intrinsic character and distinctiveness, including the character, appearance and integrity of the historic and cultural environment. Policy PD1 requires development to be of high-quality design that respects the character, identity and context of the Derbyshire Dales townscapes and landscapes, Policy PD5 seeks to resist development, which would harm or be detrimental to the character of the local and wider landscape.

7.15 Taking the above into consideration, the application site is a greenfield site and its development would undoubtedly result in harm to the landscape. The applicant considers that such harm needs to be balanced against the provision of housing at a time when the Council has an identified shortfall. The applicant considers that the proposed development provides for a sensitive, high quality housing scheme and believes that the proposed layout of the development is relatively 'organic' and responds positively to the rural character of the countryside. The applicant refers to generous spacing between the plots and believes that this would retain the verdant and open feel. The applicant also considers the size, scale, form and design of the proposed dwellings are appropriate and would provide a mixed scale of development. The applicant adds that the amount of development, and mix of housing, makes full and effective use of the site and respond positively to its constraints and the character of the surrounding area.

7.16 It is the view of Officers that the development is not an 'organic' form; an 'organic' form relates to how development interacts positively with the environment. The development proposed is merely a cul-de-sac of large dwellinghouses. As advised above, the housing mix is limited to two dwellinghouse types and the applicant's belief that this constitutes 'organic' development is considered flawed. For a development to have a sense of being 'organic,' it would either relate to the natural environment and/or would be of a form where the development would have a sense of having developed over time. It may include open spaces, connectivity and the retention of landscaping/trees that merge the development into the landscaping; the development proposed merely bulldozes the site and green spaces are essentially those of private gardens. To this end, it is considered that this separate development to the village does not appear in any way to form an 'organic' expansion of village; in fact, the applicant refers to the proposals seeking to replicate detached residential development, to which it is proposed to abut, but in no way to integrate.

Impact on Hedgerow and Trees

7.17 The proposals will require the removal of the existing frontage hedgerow between Hawthorne House up to, and including, the proposed access to the site in order to achieve the appropriate visibility splay to the south. Whilst this will cause a degree of harm to the streetscene, it is nevertheless necessary for the development to be provided. It is proposed to reinstate the hedgerow to the back of the visibility splay.

- 7.18 With regard to trees, an arboricultural assessment has been submitted and identifies 16 individual trees, one group of trees and three hedgerows. It is advised that none of the trees are of high quality and trees surveyed and that trees and hedgerows in general were of moderate/low quality. To this end, the applicant advises, from an arboricultural perspective, that the proposed layout retains a high proportion of the tree cover by maintaining the trees around the peripheries of the site and new planting will go towards mitigating the loss of trees within the site.
- 7.19 Policy PD6 (Trees, Hedgerows and Woodlands) of the Adopted Local Plan (2017) and the District Council's Landscape Character and Design Supplementary Planning Document (2018) require that trees of value be retained, protected and integrated within development wherever possible. To this end, the proposed site layout requires the removal of trees T11 and T12; these are two mature Norway maples which were identified in the submitted arboricultural report as BS5837 (2012) Category B which are trees of sufficient quality to be considered constraints on development.
- 7.20 The Norway Maples are large, mature trees, and located toward the centre of the site, they have potential to offer valuable amenity and to make a significant positive contribution to the character and appearance of the site and development. However, this would require a fundamental reconsideration of the site layout, which has not been sought given that the development of this greenfield site is nevertheless deemed inappropriate as advised above. Nevertheless, given the potential threat to remove these trees to facilitate the proposed development, they have been protected through the serving of a tree preservation order (Tree Preservation Order (TPO) 220). Further tree planting cannot realistically compensate for the loss of such trees in the short-medium term.
- 7.21 In addition, an Ash, a Lime and a Beech tree on the highway frontage of the site have also been deemed to be at threat and have also been included in the TPO. The incorporation of large trees and hedgerows into the curtilage of dwellings raises concern about future pressure for tree removal and tree works such as crown reduction, branch lopping, etc. The concerns above are reflected in the comments of the District Council's Arboriculture and Landscape Officer and Derbyshire Wildlife Trust.

Impact on Biodiversity and Wildlife

- 7.22 The conservation and enhancement of the natural environment is a core principle of the NPPF and this advises that planning policies should promote the preservation, restoration and re-creation of priority habitats and ecological networks. In determining planning applications permission should be refused if significant harm resulting from development cannot be avoided, adequately mitigated or as a last resort compensated for. Policy PD3 of the Adopted Local Plan (2017) reflects on this and seeks to protect, manage and, where possible, enhance biodiversity by ensuring that development will not result in harm. The Policy advises that development will not be permitted where it directly, or indirectly, results in significant harm to biodiversity interest, unless it can be demonstrated that there are no appropriate alternative sites available, statutory and regulatory requirements have been satisfied and appropriate conservation and mitigation measures are provided.
- 7.23 The application is accompanied by a preliminary ecological assessment and bat survey report which appear broadly acceptable. These documents conclude that there are no anticipated constraints relating to badgers, riparian mammals, bats and reptiles. Whilst it is accepted that the proposed development will impact to some extent on biodiversity, the applicant has submitted an ecological report which sets out a number of recommendations as to how these will be minimised and, where necessary, mitigated against in order that an overall net gain to biodiversity can be achieved.

- 7.24 It is advised that existing trees and hedgerows will be retained, where possible, and bat and bird nesting boxes will be provided throughout the development. On the basis of the above, the applicant considers that the proposed development would not have any adverse impacts on biodiversity and therefore accords Local Plan Policy PD3 of the adopted Local Plan and guidance contained within the NPPF in this regard.
- 7.25 However, in seeking to offset the loss of biodiversity on the site, the applicant has proposed several areas that are essentially surrounded by gardens. Much of the ecological enhancement areas identified in the application site are also to the rear of properties, and access for management and monitoring will be restricted by such. If these areas were to become untended, there would be pressure to bring them within the gardens. It is not clear if they will be in occupiers deeds and there is no access for future management and monitoring by an external company.
- 7.26 Several other concerns have been raised by Derbyshire Wildlife Trust as follows:
- 48 trees are stated in the BNG report but these are not evident on the site plan;
 - hedgerows proposed as curtilage boundaries but there is no safeguard on these;
 - not satisfied that a net gain will be realistically achieved based on current design; and
 - note that a copy of the BNG metric has not been submitted which is essential to enable proper review of the BNG calculations.
- 7.27 To this end, the layout could be altered such that any biodiversity offsetting areas are cohesively provided within the site and clearly separated from the domestic curtilages. The layout could also have regard to the two Norway Maple trees by including their retention as part of a biodiversity enhancement area on the site. This could also include the proposed additional garden space to Hawthorn House. This property currently has a reasonable curtilage in relation to the size of the dwellinghouse and allocating such land to as further domestic curtilage should not therefore be used to constrain development on the application site. If this land, the area of the two Norway Maple trees and land to the rear of the frontage boundary hedge was set aside for biodiversity, this would allow for ease of maintenance and long term retention and go some way to setting the dwellings back on the site and making them less conspicuous.

Impact on Amenity

- 7.28 The applicant advises that careful consideration has been given to the layout of the proposed dwellings and it is considered that the juxtaposition of these and separation distances between ensure that the proposed development would not be prejudicial to the amenity currently afforded to the occupiers of the existing dwellings or neighbouring land uses. The applicant advises that the proposed dwellings would exceed minimum national space standards and would be sited so that there would be no significant overlooking between occupants of the development and neighbouring properties and the development would not result in any significant loss of light or be overbearing. The applicant is of the opinion that the scheme would not have any physical impact on any residential properties, nor would it be likely to give rise to noise and disturbance implications as far as residential amenities are concerned. In this respect, the applicant considers that the proposal complies with Policy PD1 of the Adopted Local Plan (2017) and paragraph 130(f) of the NPPF in this regard.
- 7.29 As the applicant advises, the development is laid out in a manner where the proposal could not be reasonably substantiated for refusal on the grounds of there being a significant loss to light, outlook or privacy to the neighbouring residential properties, given the relative distance between existing and proposed dwellings. Whilst the development will clearly impact on views of the open countryside, the impact on a view is not sufficient justification for a refusal of planning permission.

7.30 The District Council's Environmental Health Section has assessed the application. To this end, it is advised of no objection subject to a condition that no site machinery or plant shall be operated, no process shall be carried out and no demolition or construction related deliveries received or dispatched from the site except between the hours of 8am-6pm Monday to Friday and 8am - 1pm Saturdays and at no time on Sundays, Bank or Public Holidays.

Highway Matters

7.31 Paragraph 110 of the NPPF states that development should provide a safe and suitable access for all users, with Paragraph 111 stating that development should only be prevented or refused on transport grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts of development are severe. Policy S4 of the Adopted Local Plan (2017) advises that development shall have a safe access and not generate traffic of a type or amount which will cumulatively cause severe impacts on the transport network and this is also reflected in the aims of Policy HC19 (Accessibility and Transport). Policy HC21 (Car Parking Standards) states that vehicular parking for new development should be provided having regard to adopted standards. The proposal seeks to provide a new access directly off the main A515, with the dwellings being served by a cul-de-sac. Each dwelling would be provided with three off road parking spaces, all of which would meet the car parking standards.

7.32 The Local Highway Authority initially raised highway safety concerns with the proposed development to which the applicant has provided further information with regard to vehicle tracking and amendments to the layout of the site to accommodate appropriate visibility splays. Whilst it is appreciated that a lot of concern has been raised by local residents to highway safety matters relating the development, the Local Highway Authority has advised that having considered the details, along with the highway boundary information and accident data from the surrounding area, that they do not consider that a highway objection could be sustained subject to conditions being attached to any grant of planning permission. Therefore, it is not considered that the proposed use would adversely affect highway safety and would therefore be compliant with Policies S4, HC19 and HC21 of the Adopted Local Plan (2017) and guidance contained in the NPPF.

Flood Risk and Drainage

7.33 The application site lies within Flood Zone 1 and is therefore deemed to be at the lowest risk of flooding. Lead Local Flood Authority has checked mapping and the photos provided by a local resident and advises that these broadly reflect the flood zone outlines, leaving the proposed site outside of Flood Zones 2 and 3. As the site is in Flood Zone 1, the proposed site has a 0.1%, or less, chance of fluvial flooding in any given year and there are currently no surface water flow routes through the site showing on the surface water flooding maps. To this end, the requirement for appropriate drainage could be secured by planning condition, if permission were granted, but this would largely be addressed through the requirement for Building Regulations compliance.

Climate Change

7.34 Policy PD7 (Climate Change) of the Adopted Plan (2017) states that the District Council will *promote a development strategy that seeks to mitigate global warming, adapts to climate change and respects our environmental limits*. The District Council's adopted Climate Change Supplementary Planning Document (SPD) also provides guidance on the implementation of Policy PD7 in meeting the following objectives:

- securing enhanced green infrastructure
- managing drainage, flood risk and conserving water
- using less energy, increasing energy efficiency and promoting renewable energy

- reducing the need to travel and promoting sustainable transport
- improving building design and layout to meet the objectives.

7.35 In order to address these issues, the applicant proposes a number of measures to use less energy and promote renewable energy throughout the scheme, including designing the dwellings to achieve a minimum of Code for Sustainable Homes level 4 and maximising solar gain through the orientation of dwellings, provision of solar panels on roof slopes and provision of air source heat pumps. Other measures include:

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

Given the above, it is considered that the applicant has sought to adequately mitigate the carbon footprint of the development.

Conclusion

7.36 Whilst there is clearly a tilted balance in favour of providing dwellinghouses on the fringes of Third Tier settlements such as Clifton, where the District Council is unable to demonstrate a 5 year housing land supply going forward, the impacts of such a development need to also be considered in that balance. Whilst the District Council cannot currently demonstrate the 5 year housing land supply going forward, and that the supply relates across the whole District, there is nevertheless substantial allocation, permission and provision of housing development in the locality, particularly Ashbourne, that a further nine dwellinghouses are deemed unnecessary on this sensitive greenfield site.

7.37 It is considered that the development would be encroaching beyond the defined settlement boundary to the village, where there is a clear, linear break between the village and fields. The applicant considers that the detached dwellings reflect on the residential development at Doles Lane and The Greenacre. Whilst those properties are similarly detached dwellings accessed separately to the village, the proposed development would add a further enclave of development beyond this without integration. The two types of dwellinghouse also reflect poorly in relation to the variety of dwellings to be found in the village and even on Doles Lane and The Greenacres. Whilst the development encroaches to the north, and whilst it would not link the Clifton with Ashbourne, it would nevertheless draw these separate settlements visually closer. The development would also be harmful to landscape features, such as the two Norway Maple trees, which have now been protected with a TPO, and the established, unbroken boundary hedge which aligns the frontage of the site and the A515.

7.38 If one was to set aside the visual harm caused by the development when having regard to the tilted balance in favour of residential development, the site is nevertheless capable of providing further dwellings beyond those proposed to meet the requirements of Policy HC11 of the Adopted Local Plan (2017) with respect to achieving an appropriate mix of house types. The properties are proposed to be large 4 bedroomed detached dwellings with detached double garages. It is clearly evident that, by reducing the size of the dwellings to reflect the expected housing mix, and with the removal of most detached double garages, this would not only provide sufficient space for a range of dwellings to meet different housing requirements, but would also present opportunity a more 'organic' development of the site

as a complex of buildings, for example, that could bridge the village and the countryside. The provision of more dwellings to achieve these aims would also trigger the requirement for much needed affordable housing provision, in line with Policy HC4 of the Adopted Local Plan (2017), and contributions towards open space and outdoor recreation facilities in line with Policy HC14.

7.39 Given the above, whilst the titled balance may favour the development, it is considered that this is ultimately outweighed by the harm of such development to the setting of Clifton and the impact on the character and appearance of the open countryside. The proposals also require the removal of two prominent trees that are now protected because of their amenity value. In addition, it is considered that the proposals have purposefully sought to provide a reduced number of houses that could otherwise be accommodated on the site in order to seek to avoid policy aims/requirements of the Adopted Local Plan (2017) directed at delivering a housing mix, the provision of much needed affordable housing and other potential community benefits. As such, it is recommended that the planning application be refused.

8 RECOMMENDATION

That planning permission be refused for the following reasons:

1. The proposed is encroaching in the open countryside location and harmful to the local landscape's intrinsic character and distinctiveness and would significantly and demonstrably outweigh the benefits of housing provision. The proposal therefore would not constitute a sustainable form of development contrary to Policies S4, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017) and the National Planning Policy Framework (2021).
2. The development does not make full and effective use of the site, to deliver requisite open space, affordable housing and developer contributions and a mix of housing to contribute towards the creation of sustainable and balanced communities contrary to policy S1 of the Adopted Derbyshire Dales Local Plan (2017) and policy contained within the National Planning Policy Framework (2021).
3. The proposals entail the removal of two Norway Maple trees within the field, being trees that are protected by tree preservation order TPO 220 given their amenity value in the landscape. In addition, given the layout of the proposed housing development, there would be likely pressure for hedge and tree removal, and tree works such as crown reduction, branch lopping, etc., that would serve to undermine the character and appearance of the site. As such, the development is contrary to Policies S1, S4, PD1, PD3, PD5 and PD6 of the Adopted Derbyshire Dales Local Plan (2017) and the National Planning Policy Framework (2021).
4. Insufficient information has been submitted in order to be satisfied that a measurable Biodiversity Net Gain (BNG) is achievable, based on the proposed layout design, and a BNG metric has not been submitted which is essential to enable proper review of the BNG calculations. As such, the development as submitted is contrary to Policies S1, S4, PD1, PD3, PD5 and PD6 of the Adopted Derbyshire Dales Local Plan (2017) and the National Planning Policy Framework (2021).

NOTES TO APPLICANT:

1. The Local Planning Authority considered the merits of the submitted application and judged that there was no prospect of resolving the fundamental planning problems with it through negotiation. On this basis the requirement to engage in a positive and proactive manner was considered to be best served by the Local Planning Authority

issuing a decision on the application at the earliest opportunity and thereby allowing the applicant to exercise their right to appeal.

2. This decision notice relates to the following documents:

Drawing Nos. 2023-2781-01 Rev. A, 03 Rev. A, 04 Rev. A, 05 Rev. A, 06 Rev. A, 07 Rev. A and 16 received on 13th October 2023

Amended Drawing No. 2023-2781-02, Rev. E received on 14th November 2023

Drawing No. KT23-41-100 (Autotracking 11.6M Refuse) received on 14th November 2023

Design and Access Statement (Sammons Architectural) received on 13th October 2023

Arboricultural Assessment (FPCR) received on 13th October 2023

Ecological Appraisal (FPCR) received on 17th October 2023

Bat Survey (FPCR) received on 13th October 2023

Biodiversity Net Gain Report (FPCR) received on 13th October 2023.