

APPLICATION NUMBER		23/00695/REM	
SITE ADDRESS:		Land off Chesterfield Road and Quarry Lane, Matlock	
DESCRIPTION OF DEVELOPMENT		Approval of Reserved Matters for the erection of up to 75no. dwellings (Outline planning permission 22/01044/OUT)	
CASE OFFICER	Sarah Arbon	APPLICANT	Homes by Honey
PARISH/TOWN	Matlock	AGENT	Georgia Parker – Nineteen 47 Ltd
WARD MEMBER(S)	Cllr S Flitter Cllr D Hughes Cllr J Linthwaite	DETERMINATION TARGET	16 th October 2023 (EOT agreed 30 th November 2023)
REASON FOR DETERMINATION BY COMMITTEE	Major application	REASON FOR SITE VISIT (IF APPLICABLE)	N/A Members undertook a site visit on the 11 th December.

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> – Principle of development – Impact on the character and appearance of the area – Impact on residential amenity – Highway matters – Drainage and flooding – Ecology and landscaping

RECOMMENDATION
That the application be granted subject to conditions.

1.0 THE SITE AND SURROUNDINGS

- 1.1 The application site concerns 4.27 hectares of land located on the south eastern side Chesterfield Road (A623). Its south western boundary abuts Quarry Lane. Matlock Moor Methodist Church sits on the corner of Chesterfield Road and Quarry Lane abutting the south western corner of the site and 4 properties known as Brickyard Cottages are located in the middle of the site's frontage, side on to Chesterfield Road with long rear gardens to the south west. The north easterly field has some small stable structures in the field nearest the road. The remaining part of the field is screened by the wooded area within it that runs to the north eastern boundary. The site is opposite the Cardinshaw Road development with Matlock golf course to the north east.
- 1.2 The site consists of agricultural grazing land with fields demarcated by dry stone walls. Land levels rise steeply towards the woodland on the site's eastern edge of the former quarry. The north eastern boundary is adjacent to a single track that provides access to the outbuildings associated with Brickyard Farm where there is an access to the farm house further up Chesterfield Road. Brickyard Farm is located on higher land, 85m north west of the site boundary with an intervening field and outbuildings. Chesterfield Road is a main bus route between the sub-regional centre of Chesterfield and Matlock and bus stops are located adjacent to the site at both ends of the frontage with Chesterfield Road. There is a layby on Chesterfield Road just north east of the access to Brickyard Cottages which is used by the residents for parking.

2.0 DETAILS OF THE APPLICATION

- 2.1 The Site is the subject of the Outline Planning Permission, under ref. 22/01044/OUT, dated 17 March 2023. This grants permission for the erection of up to 75no. dwellings and associated development. This Application seeks the approval of the following reserved matters:
- Layout
 - Scale
 - Appearance; and
 - Landscaping.
- 2.2 Details to specifically address Conditions 5, 7 and 8 of the Outline Permission have been submitted. Condition 5 requires that an Arboricultural Impact Assessment be submitted with the reserved matters application, whilst Condition 7 requires details of the measures to be incorporated into dwellings to help mitigate the effects of, and adapt to, climate change to be provided. Condition 8 requires that reserved matters relating to landscaping shall accord with the Ecological Impact Assessment approved as part of the Outline Permission, so as to achieve no less than the predicted 10% net gain in biodiversity.
- 2.3 The breakdown of housing proposed would be as follows:-
- 52 market houses
- 4 x 1 bed,
 - 11 x 2 bed,
 - 16 x 3 bed,
 - 18 x 4 bed
 - 3 x 5 beds
- 23 affordable houses
- 8 x 1 bed,
 - 10 x 2 bed
 - 5 x 3 bed

- 2.4 The affordable housing proposed is a total of 23 out of 75 which equates to 30% and 5 (25%) of these are required to meet the criteria of First Homes.
- 2.5 Amended plans have been received which proposes dwellings in the north western corner of the, site adjacent to the Methodist Church which actively address and overlook the attenuation pond feature, creating a streetscene on this prominent part of the site open to Chesterfield Road. A row of properties is proposed adjacent to the site entrance that follow the alignment of the existing properties Brickyard Cottages to the south east to compliment these and form an entrance feature on Chesterfield Road. The existing woodland is retained in the north eastern part of the site forming a buffer with the countryside and retaining the mature trees adjacent to the road. Proposed dwellings adjacent to the existing terrace of properties have a side to side relationship with them that follows the streetscene pattern within the development. Properties all face the streets with corner turners used to provide front elevations on two streets. Landscaped areas provide buffers on the periphery and the higher land to the south east is to be maintained as open space with a path linking to the linear green space adjacent to the south western boundary with Quarry Lane. The location of dwellings complies with the parameters plan in the outline permission.
- 2.6 The proposed dwellings would be two storey with gable roofs, clad in stone with grey roof tiles, stone lintels and cills, flat roof front door canopies, gable features with either integral garages or detached garages. The window sizes add a contemporary appearance. The majority of properties have integrated PV solar panels on the front roof slopes.
- 2.7 The applicant has submitted the following documents with the application:
- Design and Access Statement
 - Arboricultural Impact Assessment
 - Ecological Impact Assessment
 - Sales Recommendations Report
 - Energy Statement
 - Drainage Note
- 2.8 Following the resolution at planning committee on the 12th December to defer consideration of the application to a future meeting in order to allow for:
- re-evaluation of drainage proposals;
 - confirmation to be sought from Severn Trent Water that they can facilitate the anticipated foul water drainage from the proposed development;
 - confirmation to be sought that housing minimum space standards will be adhered to.
- 2.9 The agents have supplied further information on the housing minimum standards on the 21st December 2023 and the following information on the 2nd January 2024.
- Technical note from drainage engineer. (*47935-ECE-XX-XX-RP-C-0003*).
 - An updated note from Auxesia Homes, the registered provider, in response to the latest round of comments. (*Auxesia Homes Letter Jan 24*).
 - A legal note addressed to the LPA, regarding RM applications, to be sent to members. (*Freeths Letter – Matlock HBH*).

Discussion on this additional information can be found in the relevant sections of the report.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1. Adopted Derbyshire Dales Local Plan 2017

S1 Sustainable Development Principles
S2 Settlement Hierarchy
S4 Development within the Countryside
PD1 Design and Place Making
PD2 Protecting the Historic Environment
PD3 Biodiversity and the Natural Environment
PD5 Landscape Character
PD6 Trees, Hedgerows and Woodlands
PD7 Climate Change
PD8 Flood Risk Management and Water Quality
PD9 Pollution Control and Unstable Land
HC4 Affordable Housing Provision
HC11 Housing Mix and Type
HC14 Open Space, Sports and Recreation Facilities
HC17 Promoting Sport, Leisure and Recreation
HC19 Accessibility and Transport
HC20 Managing Travel Demand
HC21 Car Parking Standards.

3.2. Other:

The National Planning Policy Framework (NPPF) (2023)
National Planning Practice Guide
Developer Contributions SPD (2020)
Climate Change SPD (2021)
Landscape Character and Design SPD (2018)

4.0 RELEVANT PLANNING HISTORY:

23/00867/VCOND - Variation of condition no.8 of application 22/01044/OUT to amend the biodiversity net gain requirement, granted 10th November 2023.

22/01044/OUT - Outline planning application for the erection of up to 75 no. dwellinghouses and associated development with approval being sought for access, granted 17 March 2023.

5.0 CONSULTATION RESPONSES

Matlock Town Council

- 5.1 Note that the large attenuation basin is to be located at the side of Matlock Moor Methodist Church, to manage surface water from the developed site. Surface and ground water flows from the slopes above the site, highlighted by blue arrows on the plan below appear to flow around the attenuation basin and discharge towards the highway. However there does not appear to be any land drainage outfall dedicated to deal with these flows on this plan. This must be clarified. This is deeply concerning, as should any additional flows enter the combined sewer on Chesterfield it is highly likely to surcharge the 150mm network. The Council recognises that the additional foul and combined flows from this new development will flow down Lumsdale Road and onward into Lumsdale. Matlock Town Council seek clarification that any such increase will not impact upon the Websters Terrace Combined Sewer Overflow, which spilled into the Bentley Brook 41 times for a total of 211.74 hours in 2022. They are fully aware of the significant similar issues being encountered on the Treetops development located further down Chesterfield Road. It is also understood that there are still ongoing surface water issues impacting upon the Thornberries development, so it essential that this application is rigorously assessed by STW and the LLFA to ensure

that effective drainage conditions are imposed and NOT discharged before effective mitigation is in place.

Following this rainfall in July 2023, The Presentation Sisters Elderly Care Home, The Convent, and several buildings close by were significantly affected by the ingress of foul sewage. The basement of the Convent being 1 metre deep of foul sewage. There was also significant "backing up" of many properties in the area causing a serious health risk. A drain flooded St Joseph's school nursery playground with raw sewage so rapidly that several small children were caught in the mess whilst out at play. Incidents such as these never occurred prior to the building of recently completed new housing developments East of Chesterfield Road and no consideration was given to upgrading the old sewer network for this area prior to the development; the result of the failing foul sewage infrastructure with the additional pressure of the completed new housing development is all too evident, as are the serious health risks to existing residents.

The proposed building of a further 75 houses, adding foul sewage to this already failing system, will significantly add to the health risk and be detrimental to the quality of life for Matlock residents living further down Chesterfield Road East. Proposed housing developments should be halted until such time that a thorough investigation can be carried out into the causation of these major incidents of sewage ingress into properties lower down Chesterfield Road East, and remedial action has been taken to prevent further incidents arising.

Highways Authority

- 5.2 There are no objections to the proposed reserved matters application from a traffic and highway point of view subject to conditions that require the submission of a Construction Management Plan and a Residential Welcome Park.

Matlock Civic Association

- 5.3 Some of the main positive points from the application and "Planning Compliance Statement" can be summarised as follows:

Traditional built form and pitched roofs: substantial compliance with the layout plan at outline stage; acceptable percentage of affordable housing provision: a relatively balanced and wide range of housing mix and house type: pedestrian routes to and from Chesterfield Road and within the application site area: retention of substantial areas of woodland, and tree-lined streets with wide verges to include swales: re-use of stone from demolished walls on site: wide mix of quarter houses, terraces, semi-detached and detached properties: 1 parking space per 1 bed dwelling, 2 spaces per 2 and 3 bedroom properties and 3 parking spaces per each of the larger dwellings: 7KW charging point for each dwelling with a type 2 European socket for owner/occupier of each dwelling to plug in an electric car: noise attenuation measures for properties fronting Chesterfield Road.

It is considered, however, that some important amendments are required to comply with planning policy and make the overall proposal acceptable to Matlock Civic Association.

Matlock Moor Methodist Church and Brickyard Cottages

The agents' Planning Compliance Statement confirms the intention to provide car parking for these uses. However, the relevant areas (described by a relevant plan in the Section 106 Agreement) should not be labelled "Visitor Parking" on the crucial proposed layout plan, but should be marked specifically for the Church and Brickyard Cottages, as appropriate. To do otherwise would be contrary to the terms of the outline permission.

Materials and Design

The provision of stone dwellings near the Chesterfield Rd frontage is welcomed and the cream brick (subject to officer inspection) is likely to be acceptable, but the “Payton Heath” bricks proposed appear to be a brown brick and too dark to be within the cream, beige, bluff range needed to complement and blend with the stone. Matching brick walls should be amended accordingly.

The use of darker, contrasting panels within elevations and in a relatively discordant manner should be omitted. If they are retained, they will detract from the sound and contemporary element of dark grey window frames.

The design does not follow the traditional approach of mullions and transoms being normally located through the centre of the window and will also create another discordant clash with the dark grey window frames.

The dark brick plinths below larger profile stone for elevations will also look strangely out of character. It is considered that a far better unifying element would be stone plinths throughout. The use of stone lintols and cills above and below window frames would also add substantially to the scheme as would stone quoins in selected locations.

The development at Pingle Rise off Asker Lane has far too much red brick but its positive feature of traditional lintols and cills at door and window openings is a commendable approach which would also benefit this scheme.

These measures on materials and design are needed to secure the agents intention on appearance in their paragraph 3.16 which include:

“As set out in the Design and Access Statement, the materials of construction and the detailing of the fenestration of the dwellings have been proposed to reflect local character, with the front boundaries of properties in key locations will be defined by stone walls built of walling stone reclaimed from the Site”.

The current proposals do not adequately reflect local character.

Solar panels on roofs facing, northeast, north, and northwest (e.g) views 6 and 7 from the 3D Visuals Pack) is questioned since little solar gain will be achieved. The appearance of the roofscape will be adversely affected by solar panels and the council is asked to consider whether they should also be limited to rear elevations which are not in public view.

Pedestrian Access to Quarry Lane

The commendable provision of footpath links is only diminished by the absence of a link into Quarry Lane from a break in the southeast site boundary. This is a necessary addition to ensure easy pedestrian movement between dwellings on site and Quarry Lane.

A considerable amount of well-intentioned planning is evident in these proposals, but we very much hope that the suggested amendments can be introduced, since they are important enough to convert the current proposals to a scheme which will truly be sympathetic to the traditional styles and materials which gives Matlock its important sense of place, and, therefore compliant with Local Plan policy.

Their key concerns can be summarised as follows:

- The proposed substantial use of the red/brown “Payton Heath” brick is not within the
- cream, beige, buff range needed to complement and blend with the proposed use of
- stone. Matching garden walls should also be amended accordingly.

- The darker, contrasting panels within elevations in a relatively discordant manner
- should be omitted. Their retention would reduce the effectiveness of the sound and
- contemporary element of dark grey window frames.
- The conventional approach of mullions and transoms passing through the window
- centre points is not being followed. Windows with transoms in the lower corner of the
- window will create a discordant and prominent feature throughout the estate.
- Stone lintols and cills should be used above and below windows and above door
- openings. Stone quoins are also appropriate.

On 15th November 2023 a further letter was received.

"I have attached Matlock Civic Association's representations, following our monthly meeting on 13th November 2023, in response to the substantially amended detailed application. MCA fully appreciate the efforts of the council and the applicants to improve the proposal, but hope that due consideration will be given to the few remaining, but important, issues referred to in the attachment".

MCA particularly object to the substantial use of a half-transom in the bottom right - hand corner of a large proportion of windows in front elevations. The applicants have not complied with the Council's letter to them on 3rd October 2023 in which it is stated that "The contemporary windows and window proportions appear to be incongruous".

A generally accepted rule of good practice in window design requires the visual "centre of gravity" to be in the centre of the window and this approach has been consistently followed in traditional development in the locality. Failure to make this change will negate the many positive amendments arising from collaboration between the council and applicants.

Proposed condition 6 will not cover this point because condition 1 specifically accepts the "Housetype Plans Pack" which includes the discordant window designs.

Proposed condition 5 partially covers our concern but sample panels should be sought to ensure that the specification of the reconstituted stone, including the colour, is acceptable.

Director of Housing (DDDC)

5.4 Plots 12 to 19: The 1 bed Quarter house type is 51m². The Nationally Described Space Standards (NDSS) for a 1 bed 2 storey property is 58m² with 1.5m² of built in storage. The elevations do not show solar PV unlike the rest of the development. It would be advisable to reduce the number of 1 bed quarter homes from 8 to 6, with the 6 being provided at the NDSS standard. The aim should be to give people with the least choice, a home that at least meets the minimum floor area requirements.

Plots 11 and 22: The 2 bed are 70m². The NDSS standard for a 2 bed 4 person house is 79m² with 2m² of built in storage.

Plots 9 and 10 and 21 are 79m² and meet NDSS.

Plots 8 and 20 are 79m² and meet the NDSS for 2 bed 4 person household.

Plots 23, 24 and 25 are 3 bed houses with a floor area of 77m². The NDSS for a 3 bed 5 person house is 93m² with 2.5m² of built in storage.

Achieving the NDSS is an important consideration for potential Registered Providers who will be asked to tender for the affordable homes. It is highly likely that some of the affordable homes will be provided as shared ownership. Experience from previous schemes including those on the site opposite, indicates that shared ownership homes that do not meet NDSS can remain empty for many months, leading to conversion to affordable rent.

No further comments have been received on the amended layout and housetypes and these shall be included either within late representations or verbally at committee.

Environment Agency

- 5.5 They have no new comments to make at this reserved matters stage. They will make new comments at the discharge of conditions stage, when the conditions they recommended are being discharged.

Lead Local Flood Authority

- 5.6 The detailed drainage information can be reviewed at discharge of conditions. As there has been no change to the layout that will conflict with the proposed drainage layout from 22/01044/OUT, the LLFA has no comment on this application.

Severn Trent Water

- 5.7 Severn Trent can confirm that as per the original developer response issued 29th June 2022, That our 150mm combined sewer located in Chesterfield Road m/h 3501 or in a suitable location downstream of this chamber, has the capacity to accept the foul flows from the proposed development, with no adverse effect on our existing network.

Natural England

- 5.8 Natural England has no comments to make on this reserved matters application. Their standing advice should be consulted.

Derbyshire Wildlife Trust

- 5.9 They have reviewed the information submitted including the EclA report produced by RammSanderson Ecology (November 2022) and the Soft Landscaping Proposals produced by Boldby & Luck Landscape Architects (16.06.2023). They have also reviewed the Derbyshire Biological Records database which shows a record of common toad, badgers and bats nearby. The application site also lies adjacent to a non-statutory site called Lumsdale & Bentley Brook Quarry.

The site includes habitats including neutral grassland, wet woodland and two ponds. Potential for the presence of GCN has been ruled out by an assessment of pond presence/suitability and eDNA analysis. However, the potential for the presence of other amphibian species remains. Presence/absence surveys have also been completed for other protected species including bats and reptiles and none were found to be present at the time. However precautionary methods of site clearance are recommended as can never fully be ruled out if suitable habitat is present.

The development has provided sufficient information for the Council to be reasonably confident that a net gain for biodiversity can be achieved on-site and that any impacts on protected species can be avoided or mitigated provided that the following conditions are attached to any planning approval. We would therefore reiterate comments and recommendations as in our previous letter (Ref: DWTDAL915, October 2022) when the outline application was submitted.

Primary Care Estates NHS Derby and Derbyshire Integrated Care Board / Joined Up Care Derbyshire

- 5.10 A £67,500.00 towards Health Care contribution for the following surgeries is required:-

Imperial Road Surgery Matlock and Ashover Branch
Ivy Grove Surgery Matlock

It should be noted that a sum of £67,680 was secured in the S106 for the outline towards provision and enhancement of capacity and infrastructure within the above existing local medical centres.

Chesterfield Hospital

5.11 A request for a contribution of £63,621 is requested.

Tree and Landscape Officer (DDDC)

5.12 An Arboricultural Impact Assessment report has been submitted which indicates that the majority of trees on and around the site are to be retained. It is considered that the proposed tree removals to facilitate the site layout are acceptable. While they comprise mostly medium quality individual trees and tree groups (BS 5837 Category B), which should be considered constraints on development, these removals include a small percentage of the total numbers of trees on site and their contribution would be replaced through the proposed planting scheme in the longer term. A Tree Protection Plan drawing should be required to be submitted for approval pre-determination. This should indicate proposed locations for temporary tree protection fencing. Details should also be provided for timing of erection/removal of the fencing, a specification for the fencing and for signage to be attached to it. A detailed site-specific Arboricultural Method Statement should be required to be submitted for approval. It is considered that the submitted landscaping scheme is satisfactory.

Environmental Health (DDDC)

5.13 The submitted reports have been reviewed and as per their comments for the outline application, there are no objections providing that the recommendations within the reports are implemented and verified.

Noise Impact Assessment:

Should the site design/layout be changed or altered in any way then the noise assessment should be reviewed.

Geotechnical report:

Should the site design/layout be changed or altered in any way then the assessment and recommendations should be reviewed to reflect this.

Where soil/made ground is to be removed from garden/ soft landscaping areas, I would expect the area to be capped with 600mm of clean topsoil. I would also expect to see validation as to where the soil is to be re-used or disposed of.

With regards to Radon protection measures, it is recommended that advice is sought through Building Regulations and the Building Research Establishment for the exact requirements. And as noted in the geotechnical report, in certain areas a radon membrane may require upgrading to full gas protection. Once the applicants have determined the level of protection required this can be submitted to the LPA for approval.

It is recommended that construction hours be restricted by condition.

Force Designing Out Crime Officer

5.14 As with the outline application from 2022, there are no objections to the principle of development at the site. The layout broadly follows the indicative outline scheme and is acceptable. Housing treatment for key plots is mostly good with some exceptions.

The Chesterfield Road fronting plots of 1-4, 12-19, and additionally plot 7 have no side treatment overlooking the site gateway, associated car parking, Stone Lane and open space/footpath links. Internal layouts make any remedy problematic and without a much better side outlook here generally it is not considered that this element of the scheme

should be seen as acceptable from a community safety perspective. In other areas, the Jarrah house at plot 60 should have a side ground floor window added to the 'relax' area for a view of the shared drive entrance, plots 61 and 62 might be switched for a better outlook of the peripheral open space, and the Tupelo house at plot 62 might be switched for a true corner type for the same reason.

There are a handful of areas of shared parking and footpath links which potentially will not derive any benefit from an adopted lighting scheme. These are the parking allocation for plots 1-4/visitors, 8-17, 20-22/visitors, 37-40 and 72-75/visitors, and the two footpath links from Chesterfield Road to the turning heads at Stone Lane and opposite plot 70.

On this assumption the areas should be provided with a scheme of solar powered column mounted lighting. The garden access gate for plot 74 should be moved forward to a point just behind the gates for plots 72 and 73. The communal garden gates serving plots 21/24 and 9/10 need to be specified with a locking schedule which is key lockable from both faces, for practical use to maintain a secure boundary.

It should be noted that these comments relate to the original submission with no further comments made on the amended layout and house types and having checked the comments against the new plans the specific details in the main no longer apply.

Leisure (DDDC)

5.15 In terms of contribution, this should be:

- Parks and Gardens = £10,957.50
- Children's Play = £12,757.50
- Allotments = £4,432.50

Total - £28,147.50

It should be noted that an allotments contribution of £4,432.50 was secured in the S016 of the outline and on-site provision of public open space is proposed in excess of the Council's requirements in the SPD.

Derbyshire Fire & Rescue Service.

5.16 There are no objections to the proposed erection of 75 dwellings at the land off Chesterfield Road and Quarry Lane, Matlock, subject to the following:-

- Access for emergency service vehicles during the construction of the 75 dwellings, should be provided in accordance with Approved Document B (Vols 1 and 2) Section B5.
- Site details should be provided to Derbyshire Fire & Rescue Service with contact details and expected timeframes for the build.
- A Building Regulation Consultation should be submitted for the new build dwellings at the earliest opportunity.

Cllr D Hughes

5.17 It is noted that the developer has yet to propose a design for runoff mitigation. Therefore, there is nothing for the LFA to assess.

In the light of further information that has come to light since outline planning permission was granted, in particular the work that Cllrs Steve Wain and Jo Linthwaite have undertaken, there needs to be a detailed appraisal of the sewage management and water runoff measures by the flood authority to ensure that current problems are not exacerbated.

A detailed design of the mitigation measures associated with the management of water on the site and runoff is required. There is no mention in the design and access statement and no drawing. Also, a draft of the S.104 agreement between the applicant and STW is required.

Finally, the planning committee will need to understand what impact this development will have on the flooding issues below Lillybank, Hurst Farm, Bentley Brook and other locations that may be affected by increased run off into the drainage system, and the impact on the sewage system, particularly for those properties that are regularly flooded with sewage now. It is suggested that the LFA undertakes that appraisal and reports to the LPA. In making these requests, I have not expressed any opinion about the scheme itself and indeed cannot yet form an opinion given the apparent lack of important information in the application. The information requested will enable me to undertake my role on the planning committee where I must have access to all relevant information before voting.

You may not have noted that the foul water from this development will flow into a foul water drain that has spilled into Bentley Brook 41 times for a total of 211.74 hours in 2022 at the Websters Terrace Combined Sewer Overflow,

I am concerned that just as in other locations, this may have health implications particularly as Bentley Brook flows through a park and then into the Derwent which is used for recreation downstream.

Would you be able to comment?

Cllr Burfoot

- 5.18 30% affordable should be on site and conditioned and it should be a tenure blind scheme and dispersed throughout the development. There should be no red brick proposed on the site. LLFA should review the proposals to manage surface water and sewerage disposal with the highest level of scrutiny and diligence. Flooding in Matlock is at crisis point and this development must not increase the risk.

6.0 REPRESENTATIONS RECEIVED

- 6.1 Seven letters of representation have been received and the concerns are summarised below:-
- a) Following yet another serious incident for Matlock during Storm Babet it is quite clear that a hold should be put on all large developments in Matlock, especially those at the top of the valley which are causing a lot of damage to properties from surface water flooding and sewage discharges.
 - b) Wherever the recent large numbers of new homes have been built Matlock is suffering from repeated sewage discharges including Castle View Primary School, Presentation Convent, homes on Hurst Farm, Twiggs on Bakewell Road and outside the Premier Inn,.
 - c) It is very concerning that this development will be linked into the sewers on Chesterfield Road, gravity fed, which currently has a pinch point identified at the Presentation Convent. Bentley Brook was under review as recent developments are feeding surface water down into a system that is already overcapacity.
 - d) Access onto the narrow section of Chesterfield Road that already has to cope with vehicular access to and from the Golf Course, homes on Cardinshaw Road, Thornberries development and Quarry Lane will create more risk of accidents to motorists and pedestrians.
 - e) The road is too narrow to provide a crossing for safety and the visibility from some of the roads are very poor.
 - f) Highfields School is very near to this site and the school is very concerned regarding the safety of school children.
 - g) Loss of another greenfield space and harm to wildlife when they are still brownfield sites in and around Matlock that could and should be developed.
 - h) Local knowledge is that within recent years the floors of two brick kilns have been visible within the site and the Written Scheme of Investigation should include location, investigation and excavation of any brick kiln with any surviving structure considered for conversion.

- i) Matlock Moor Methodist Church are pleased that the provision of 6 parking spaces for the use of the Church is confirmed, however, they are concerned that the spaces are indicated as visitor parking and this should be changed.
- j) There is a concern that the extension measures to manage surface and ground water may impact on the foundations of the Church which has stood soundly for 120 years (built in 1903).
- k) Opposite no 8 Quarry lane there is a tree which provides screening to several properties on Quarry lane and is the roosting /nesting site of a flock of sparrows, several finches and tits plus a wagtail and should be retained, it will only need a slight deviation of the proposed pathway to the Chapel.
- l) The stone wall on the boundary with Quarry Lane should be made good and no pedestrian access onto the lane be provided as it is private with no right of way.
- m) The woods at the top of Quarry Lane are likely to be used by the future residents and a gate should allow access to avoid increased usage of the Lane.
- n) Clarification that the swale along the boundary with Quarry Lane would drain into the SUDS and then where this would drain to is required.
- o) The dwelling proposed for Plot 20 would be higher than properties on Quarry Lane and would cause overlooking.
- p) A change to the parking layout would mean Plot 20 could be moved further away from existing properties on Quarry Lane.
- q) The erection of a large sign advertising new homes on the site prior to any decision being made gives the impression that the development is a foregone conclusion.
- r) Loss of one of the last fields in Matlock to development.

7.0 OFFICER APPRAISAL

7.1 The following material planning issues are relevant to this application:

- Principle of development
- Impact on the character and appearance of the area
- Impact on residential amenity
- Highway Matters
- Drainage and Flooding
- Ecology and Landscaping

Principle of development

- 7.2 The principle of development was established on this site in the granting of outline planning permission for 75 dwellings on the site and the layout plan accords with the developable area shown on the approved parameter plan no.005 D in condition 3 of the outline.
- 7.3 Access was approved at outline with visibility splays of 2.4m x 120m to be provided in both directions. Six car parking spaces for Matlock Methodist Church and six spaces for the residents of Brickyard Cottages have been secured in the S106 of the outline and amended plans annotate these spaces to the south east of the SUDS feature and to the north east of the existing terrace.
- 7.4 The development proposal includes two pedestrian links from the site onto Chesterfield Road, at the western and northern corners of the site. The northern pedestrian link includes a new footway along the southwest side of the Chesterfield Road carriageway, connecting to the existing bus stop to the north of the site. The Transport Statement states that the bus stops in the vicinity of the site would be improved/upgraded to provide shelters with seating and lighting, timetable displays and raised bus boarder kerbing. At the vehicular access point, footways will be provided on both sides of the carriageway and extended along Chesterfield Road; a dropped kerb pedestrian crossing with tactile paving is also proposed

just to the southwest of the access. These measures are secured by Condition 16 of the Outline and as part of a Section 278 agreement with the Highway Authority.

- 7.5 Details to specifically address Conditions 5, 7 and 8 of the Outline Permission have been submitted. Condition 5 requires that an Arboricultural Impact Assessment be submitted with the reserved matters application, whilst Condition 7 requires details of the measures to be incorporated into dwellings to help mitigate the effects of, and adapt to, climate change to be provided. Condition 8 requires that reserved matters relating to landscaping shall accord with the Ecological Impact Assessment approved as part of the Outline Permission, so as to achieve no less than the predicted 10% net gain in biodiversity as approved as part of the recent variation of condition 8 application (23/00867/VCOND).

Impact on the Character and Appearance of the Area

- 7.6 With the principle of the residential development established by the outline consent only the reserved matters below can be considered:
- a) the scale of the development;
 - b) the layout of the development;
 - c) the external appearance of the development;
 - e) the landscaping of the site.
- 7.7 The following consideration is given to the scale, layout and appearance of the development which form three of the reserved matters. The principal policies for consideration are Policies S1 S4, PD1 and PD7 of the Adopted Local Plan (2017).
- 7.8 Policy S1 advises that all development should seek to make a positive contribution towards the achievement of sustainable development and, in doing so, seek to secure development which are of high quality, locally distinctive and inclusive design and layout and which provides a high standard of amenity for all existing and future occupants of buildings. Policy S3 requires that the proposed development is of a scale, density, layout and design that is compatible with the character, appearance and amenity of the part of the settlement in which it would be located. Policy PD1 advises that there is a requirement that the new development creates well designed, socially integrated, high quality places and should respond to the challenge of climate change whilst also contributing to local distinctiveness and sense of place. This policy requires all developments to be of high quality design that respects the character, identity and context of the Derbyshire Dales townscapes and landscapes. New development must be designed to offer flexibility for future needs and uses taking into account demographic and other changes; and ensuring development contributes positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials, and the relationship to adjacent buildings and landscape features.
- 7.9 The proposed layout should be considered in relation to the site's context and land level differences within the site. The site is fairly flat with land rising steeply adjacent to the eastern boundary with the woodland beyond and the developable area determined in the outline focused the development on the lower fields only. The lowest point of the site is within the north western corner where the SUDS feature is proposed. The most prominent areas of the site have been amended to provide streetscenes in context with the open space they overlook and in scale and orientation with Brickyard Cottages together with forming a strong entrance to the site that respects the character of the area. The extensive area of woodland to be retained in the north eastern part of the site helps to assimilate the development with the open land beyond and provide a transition. Within the site there are three distinct areas with stone walls enclosing front gardens on the central road, street trees adjacent to the woodland area of open space and a swale within a section of linear open space serving to introduce a feature and widen the street. Dwellings address the street with the majority of the parking to the side and trees within the highway verges. Larger detached dwellings at lower density address the open space to the south east with the private drives immediately

adjacent to avoid a hard edge and provide a buffer. Corner turner properties are proposed on prominent corners to ensure that both streetscene offer a main elevation and where side gardens turn the corner stone walls curve around and walls enclose the rear gardens.

- 7.10 The ridge heights of the two storey dwellings range between 8 – 8.6m high with eaves heights between 4.7 – 5.3m. The sections provided of relationships with existing properties show these heights to be in keeping with the scale of existing properties and the floor levels are similar. Finished floor levels for all the dwellings and spot levels of the landscaping and hardsurfacing areas has not been provided and this shall be a condition of any permission. Overall, the sections indicate that finished floor levels and ridge heights are relative to adjacent levels, therefore the proposal is considered to be in keeping with the scale of properties in the surrounding area.
- 7.11 The appearance of the dwellings has changed in the recent amended plans through discussions with officers and represents an acceptable design with the use of stone on all elevations. Traditional features have been introduced such as stone cills and lintels and chimneys and the windows openings whilst large are uniform. Eleven different housetypes are proposed with traditional detailing with the windows sizes giving a more contemporary appearance. The additional 3D visuals provide streetscenes that indicate that the different housetypes relate well and would create a development of a high quality design that is both in context with its surroundings together with providing its own sense of place.
- 7.12 Policy PD7 advises that the District Council will promote a development strategy that seeks to mitigate global warming and requires new development to be designed to contribute to achieving national targets to reduce greenhouse gas emissions by reducing energy consumption and providing resilience to increased temperatures and promoting the use of sustainable design and construction techniques to secure energy efficiency through building design. These Policies align with the most recent Government guidance contained in the National Design Guidance published in October 2021. Energy efficiency should be secured through building design in accordance with Policy PD7: Climate Change and the Council's SPD on Climate Change adopted in July 2021. The submitted Energy Statement includes a baseline energy consumption calculation for each housetype and methods such as thermal bridging, efficient heating and lighting systems, water consumption at the Document G levels and all dwellings would have PV panels to achieve compliance for reductions in emissions and energy demand. This accords with Policy PD7 and details of the PV panels will need to be controlled by condition.
- 7.13 Conditions 12 and 13 of the outline permission relate to a requirement that the layout and landscaping of the reserved matters accords with the recommendation of the Noise Impact Assessment and Geotechnical Desk Study reports. In respect of noise, the majority of properties the noise level criterion is achieved without any mitigation apart from standard double glazing, however, recommendations 6.5 and 6.6 relate to dwellings adjacent to Chesterfield Road with recommendations for improved double glazing and acoustic ventilators. This can be secured by a condition.
- 7.14 The recommendations of the Geotechnical Desk Studies include the following:-

Intrusive investigation works would likely comprise:

- Trial pits and / or window sample boreholes to provide systematic coverage of the area for redevelopment and target any identified potential sources of contamination / historic mining activities.
- Subsequent geo-chemical testing of soils and any potential waters encountered.
- Gas and groundwater monitoring on 12 No. occasions over 6-months.
- Geotechnical assessment of ground conditions (including CBRs) to assist with any future development design.
- Infiltration testing in accordance with BRE365 guidance to facilitate drainage options appraisal.

- Consideration of any slope stability issues that may be present on-site / close proximity.

These shall be secured by condition.

Impact on Residents' Amenity

- 7.15 Policy PD1 requires development achieves a satisfactory relationship to adjacent development in relation to visual intrusion, overlooking, shadowing and overbearing impacts. The site has a terrace of four existing properties known as Brickyard Cottages that have a side alignment with Chesterfield Road. Plots 5, 6 and 7 are two storey properties that would be side on to these existing properties at a distance of 7.7m from the existing single storey extension to the side of No.4 Brickyard Cottages and the gable of Plot 5 which has a small landing window on the first floor. The sections provided show the finished floor areas of plots 5 to 7 would be 1.2m higher than the existing cottages. The existing properties all have 22m narrow rear gardens. To the south east of the rear garden of No.4 a block of four 1 bed maisonettes are proposed at a distance of 20-21 metres. On the basis of the distance between properties, land levels and orientation these relationships are considered acceptable.
- 7.16 Distances between existing dwellings on Quarry Lane and Old Stone Lane and the proposed properties would be 21 metres and above with intervening linear open space. Brickyard Farm to the north east is on higher land over 100m from the site boundary with intervening outbuildings obscuring views. Having assessed the relationships with existing properties the proposal represents a scheme that would not have significant adverse impacts on the residential of neighbouring properties in accordance with the requirements of Policy PD1.

Highway Matters

- 7.17 The Local Highway Authority have no objections to the proposed reserved matters application from a traffic and highway point of view subject to conditions that require the submission of a Construction Management Plan and a Residential Welcome Park. Condition 18 of the Outline secures the submission of a Construction Method Statement so a further condition on this permission is not required, however, the need for a Residential Welcome Park can be included as a condition. Therefore on the basis that access was approved at outline and parking and manoeuvring within the site is adequate; the proposed layout is considered to accord with Policy HC19.

Flooding and Drainage

- 7.18 The Lead Local Flood Authority (LLFA) state that detailed drainage information shall be reviewed when the discharge of conditions application is submitted. They confirm that as there has been no change to the layout that will conflict with the proposed drainage layout from 22/01044/OUT they have no specific comments on this application. The principle of the drainage as detailed in the Sustainable Drainage Statement, Flood Risk Assessment and letter from BWB dated 9th November 2022 was established in the grant of outline approval with the drainage conditions that relate to foul and surface water below:-

4. *No development shall commence on any dwellinghouse construction until a scheme for the disposal of foul water discharge from the development and a timetable for its implementation have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme and details and permanently retained thereafter.*

21. *No development hereby approved shall take place until a scheme for the mitigation of*

land drainage, to intercept surface water run-off/land drainage flows from outside of the developable area, has been submitted to and approved in writing by the Local Planning Authority.

22. *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. *BWB consulting. (Aug 2022). Sustainable Drainage Statement. CRM-BWB-ZZXX-RP-CD-0001_SDS.*
 - b. *BWB consulting. (Aug 2022). Flood Risk Assessment. CRM-BWB-ZZ-XX-RPYE-0002-FRA.*
"Including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team"
 - 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. The development shall thereafter be carried out in accordance with the approved details.**
-
23. *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. The assessment should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy:
 - I. *into the ground (infiltration);*
 - II. *to a surface water body;*
 - III. *to a surface water sewer, highway drain, or another drainage system;*
 - IV. *to a combined sewer.**
-
24. *Prior to commencement of the development, the applicant shall submit for approval to the Local Planning Authority details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the Local Planning Authority, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.*
-
25. *The attenuation pond should not be brought into use until such a time as it is fully designed and constructed in line with CIRIA SuDS manual C753 and an associated management and maintenance plan, also in line with CIRIA SuDS Manual C753 is submitted to and approved in writing by the Local Planning Authority.*
-
26. *Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).*

7.19 This application relates to layout, scale, external appearance and landscaping only as the outline permission made assessments on the principle in terms of drainage, however the agents have provided a technical note on drainage since deferral of the application at the 12th December 2023 planning committee.

- 7.20 *The agents have provided* a pre-development response has been received from Severn Trent Water on 3rd November 2023 (Ref: 1099219) which states the following points in relation to foul water drainage:
- It is proposed that the site will connect foul gravity flows into the 150 mm combined water network at Chesterfield Road between manholes SK31613501 and SK31612401.
 - The anticipated foul flows for 76 dwellings (1.2 l/s @ 2DWF) from the proposed development should have no adverse hydraulic impact on the system and can be accommodated into the network.
 - On this basis, a connection at a new or existing foul network would be acceptable, subject to formal 106 approval.
- 7.21 The agent's Drainage Consultant states that given the Severn Trent Water correspondence confirming capacity within the local combined sewerage network, proposals are for foul water to discharge via gravity to the 150 mm public combined sewer in Chesterfield Road between manholes SK31613501 and SK31612401. Whilst there has been sewer flooding noted in Matlock, the incidents have been located closer to the town centre and affect a different sewerage branch to the one being used for the proposed development.
- 7.22 The agent's have instructed the legal firm Freeths LLP to provide advice which reiterates officer's advice given in sections 7.18 and 7.19 above and is summarised as:-
- An application for approval of a "reserved matter" "must be within the ambit of the outline planning permission and must be in accordance with the conditions annexed to the outline planning permission.1
 - (as per the case 1. *Heron Limited v Manchester City Council* [1978] 1 WLR 937 CA per Lord Denning MR at p944c-d and Orr LJ at p946g; *R v Hammersmith and Fulham London Borough Council ex p Greater London Council* (1985) 51 P&CR 120 CA per Glidewell LI at p127 and p132).
 - Drainage is not capable of being a reserved matter as it is a closed list that cannot be expanded on (as per *The Town and Country Planning (Development Management Procedure) (England) Order 2015* (as amended) (DMPO)).
 - Drainage was approved as per the Planning Permission, and it is unlawful to seek to derogate from that which has already been granted as per in the case *R. v Newbury DC Ex p. Stevens and Partridge* (1992)³, the court ruled that approvals under reserved matters and conditions must not derogate from that which has already been granted.
 - Further details of drainage can be considered on receipt of a discharge of condition application (although not to the extent that it derogates from the grant of the drainage scheme already approved under the Planning Permission).

Ecology and Landscaping

- 7.23 Condition 9 at outline required that any approval of reserved matters application relating to landscaping and layout shall accord with the Preliminary Arboricultural Impact Assessment for the retention and enhancement of existing boundary trees and vegetation to provide a suitable landscape mitigation. The Arboricultural Impact Assessment submitted proposes the removal of seven trees and 30m² of Group 26 to provide a footpath link. Incursion within the RPA of two groups of trees (G20, G26) for the entrance road and internal access highway is required. The proposed public access footpath off Chesterfield road is located within the RPAs of retained group G21. These areas of the RPA will require a no-dig approach with permeable surfacing implemented to the manufacturer's specifications. Portions of the RPA of T4 will be incurred upon by the footprint of a proposed dwelling on

Plot 58 and as a precaution any works to excavate foundations in the RPA will be undertaken manually, utilising hand tools only, to ensure that any identified significant tree roots can be managed accordingly. Overall, the majority of trees are to be retained with suitable measures for their protection during construction secured by condition and in compensation for the loss of trees the landscaping scheme proposes the planting of 173 trees.

- 7.24 The Tree and Landscape Officer has reviewed the landscaping scheme and considers it acceptable. Tree lined streets are proposed together with improvement of the existing wooded area and trees within the public open spaces on the periphery. The scheme has to secure a 10% BNG and its management is secured through the discharge of the outline condition 20 (Landscape and Biodiversity Enhancement and Management Plan (LBEMP)).
- 7.25 In terms of ecology, the outline application included Condition 8 which stated that an Ecological Impact Assessment shall achieve no less than the predicted 12.79% net gain across the site within future reserved matter schemes. This Reserved Matters application includes an overall net change in biodiversity habitats across the whole site as +10.79%. It was therefore necessary for a variation to condition 8 of the Outline permission be submitted and approved to enable the amended BNG to be provided. Derbyshire Wildlife Trust reviewed the information submitted including the Biodiversity Net Gain Assessment (BWB, July 2023) which stated that a net gain of +2.87 habitat units (+10.79 %) and +1.21 hedgerow units (+1042.27%) was predicted using the DEFRA metric. Although this is a slight reduction in HU than was predicted at outline planning stage, it is still compliant with national and local policy on biodiversity net gain. The Trust concluded that proposed site layout appears fairly sympathetic, retaining the majority of the wet woodland, perimeter trees and the onsite pond, and creating areas of species-rich grassland and swales and on this basis accepted the reduction in BNG and the variation of condition 8 was approved on the 10th November 2023 under delegated powers. Both a Construction Environmental Management Plan (CEMP: Biodiversity) and Landscape and Biodiversity Enhancement and Management Plan (LBEMP) were secured at outline in conditions 19 and 20 that require discharge prior to commencement of development on site.

Housing Mix and Affordable Housing Provision

- 7.26 Condition 10 of the outline permission stated that any approval of reserved matters application shall provide for the following overall mix of housing: 1 bed - 15%, 2- bed - 40%, 3-bed - 40% and 4+ bed - 5% unless it can be demonstrated that the character of the area, evidence of local housing need or turnover of properties would justify an alternative mix.
- 7.27 The actual blended mix (including affordable dwellings) proposed is 1 bed – 16%, 2 – bed – 28%, 3-bed – 28% and 4+ bed – 28%. As this does not accord with the prescribed mix in condition 10 a Sales Recommendations Report has been submitted. This report reviewed properties on the market, sales and the mix of new developments in the area and concluded that there was more demand for properties 3 bed and above.

The Derbyshire Dales Housing Needs Assessment (September 2021)' produced by Icen on behalf of the District Council as part of the Local Plan review, takes into account current housing stock and expected demographic trends, including the expectation that some older households will downsize if the right properties are available. The report points towards a need for different sizes of homes in the market and affordable sectors and demonstrates that generally a mix of smaller dwellings are still needed within the District. Icen recommend that the table below should be used to inform negotiations regarding the mix of housing to be delivered on individual development sites. Regard should be had to the nature of the site and character of the area, and to up to date evidence of need as well as the existing mix and turnover of properties at the local level.

- 7.28 The mix of market housing proposed is as follows: -

4 x 1 bed = 8%
11 x 2 bed = 21%
16 x 3 bed = 31%
21 x 4+ bed = 40%
Total = 52 dwellings

7.29 Whilst the mix does not comply with the mix of market housing prescribed in Policy HC11 of the current development plan, the site is on the edge of the settlement and transitions into open countryside so any development would need to have regard to this and be less dense with larger dwellings adjacent to the boundaries with the countryside and buffers of landscaping provided. Having regard to this, the latest housing needs assessment work and the marketing information provided, the proposed mix of market housing is considered acceptable.

7.30 The mix of affordable houses is as follows:-

8 x 1 bed = 35%
10 x 2 bed = 43%
5 x 3 bed = 22%
Total = 23 dwellings

7.31 The affordable housing provision was stimulated within the S106 for the outline and as such provision would have to accord Affordable Housing Mix as follows:-

- a) 14 Rental Units comprising of 2 x 1 bed 2 persons flats, 4 x 1bed 2 persons houses, 2 x 2 bed 4 persons houses, 2 x 3 bed 5 persons houses and 4 x 2 bed 3 persons bungalows
- b) 4 Shared equity units comprising 2 x 2 bed 4 persons houses and 2 x 3 bed 5 person houses
- c) 5 First Homes being a mix of 2 bed and 3 bed houses.

The wording of the S106 does allow this mix to be varied subject to agreement with the Council. The Director of Housing comments on the affordable housing mix will be reported within late representations or verbally at committee. The blended percentages of affordable and market dwellings on site will help to contribute to balanced and inclusive communities and create flexibility in the housing market, whilst responding positively to the character of the site and its surroundings and market trends for the area.

7.32 Since the 12th December 2023 deferral, the agent has submitted the following on housing mix and NDSS standards:

The "n2097 Matlock - House Type Pack" submitted to the LPA on the 27th October 2023 states that both the Avocado End and Avocado Mid housetypes have an area of 70m². The NDSS states that a 2-storey, 2-bedroom dwelling for 3 people should be a minimum of 70m². The Avocado house type is therefore, NDSS compliant.

This reduces the number of affordable housetypes that do not meet NDSS to 5 out of 23.

The strategic housing officer expresses concerns that dwellings that do not meet the NDSS would be difficult to sell to a registered provider. Two letters, the last dated the 2nd January 2024 from Auxesia Homes have confirmed that the space standards and mix of affordable properties are appropriate and acceptable to them. As a registered provider they have made a commitment to take the properties and believe the scheme presented is a high quality scheme, an exciting product and one that their future tenants and owner occupiers would welcome. They are supportive of the mix and from a management perspective they would need the 1 bed properties closely located and this is an industry standard to aid maintenance and reduce disruption to residents.

Additionally, it must be reiterated that Derbyshire Dales District Council has not formally adopted the requirement of NDSS or outlined specific space standards within local plan policies.

In response to the comment regarding Affordable Housing Mix, Policy HC11 of the Local Plan recommends the following AH Mix: 40% 1-bed, 35% 2-bed, 20% 3-bed and 5% 4-bed. Our proposed AH mix is as follows: 34.78% 1-bed, 43.48% 2-bed and 21.74% 3-bed. We believe that the proposed AH mix suitably balances the policy requirement and viability for the developer to provide high quality AH to the district. This breakdown also confirms that the proportion of 1-bedroom properties is in fact not excessive when viewed in accordance with Policy HC11 which allows flexibility in any event based on need.

Conclusion

7.33 The proposal is considered to be compatible with the edge of Matlock having regard to the scale, layout and appearance of the dwellings. The design and materials proposed would integrate and blend with this part of the settlement and no significant adverse impacts on residential amenity or landscape would ensue. The development would respect the character, identity and context of this part of the settlement and all technical matters have been addressed. Taking the above into consideration the development is considered to satisfy the relevant provisions of the development plan and national guidance and a recommendation of approval is put forward on this basis.

7.34 Contributions towards open space and health that are reasonably related in scale and kind to the development proposed have been secured in respect of the associated outline permission. The additional contributions requested are not CIL regulations compliant and cannot be secured on the back of this application which seeks the approval of the reserved matters, namely the scale, layout and external appearance of the development and landscaping.

8.0 RECOMMENDATION

That planning permission be granted subject to the following conditions.

1. This consent relates solely to the application plan no's 006C, 007C, 008D, 009C, 300A, 700C, Landscape plans GL2151 01B and 02B, Housetype plans pack dated 27th October 2023 and 23105-RLL-23-XX-DR-C-100, 101, 102-1 and 102-2.

Reason:

For the avoidance of doubt.

2. Prior to the commencement of any works to construct the foundations of the dwelling hereby approved, full details of the finished floor levels, and of the proposed ground levels of the site relative to the finished floor levels and adjoining land levels, shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be supplemented with locations, cross-sections and appearance of any retaining features required to facilitate the proposed levels. The development shall be constructed in accordance with the approved details.

Reason:

In the interests of visual and residential amenity and impacts on the landscape in accordance with Policies PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

3. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837 (2012), including a tree protection plan(s) and a site specific arboricultural method statement shall be submitted to and approved in writing by the Local Planning Authority.
4. Specific issues to be dealt with in the Tree Protection Plan and Arboricultural Method Statement, include:
 - a) Location and installation methods of services/utilities/drainage.
 - b) Methods of demolition within the root protection area (RPA as defined in BS5837 (2012)) of the retained trees.
 - c) Details for timing of erection/removal of the fencing, a specification for the fencing and for signage to be attached to it.
 - d) A specification for tree protection fencing to safeguard trees during all phases of the development and a plan indicating the alignment of the protective fencing relative to retained trees.
 - e) A specification for ground protection where it is not possible to exclude all activity from RPAs.
 - f) Details of arboricultural inspection and supervision by a suitably qualified tree specialist.
 - g) Timing and method to be used for reporting of arboricultural inspection and supervision to the LPA and site manager.
 - h) Details of methods to improve the rooting environment for retained and proposed trees.

The development thereafter shall be implemented in strict accordance with the approved details.

Reason:

Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with Policy PD6 of the Adopted Derbyshire Dales Local Plan (2017).

5. Notwithstanding the submitted materials plan, details 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).

6. Details of all new external windows and doors shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The submitted details shall incorporate the recommendations of the Noise Impact Assessment and include materials, finish, depth of reveal, elevations at a scale of not less than 1:10 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2. The development shall be carried out in accordance with the approved details.

Reason:

To protect the external appearance of the building and preserve the character of the area in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

7. Details of the verges 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 and so retained.

Reason:

To protect the external character and appearance of the building and to preserve the character of the area in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

8. Details of the proposed solar panels (including size, manufacturer and model number) have been submitted to and approved in writing by the Local Planning Authority prior to installation. The works shall be carried out in accordance with the approved details.

Reason:

In the interests of preserving the character and appearance of the buildings and area in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

9. Drawings showing the detailing and external materials of the front door canopies 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 and so retained.

Reason:

To protect the external character and appearance of the building and to preserve the character of the area in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

10. Prior to erection, details of the ground level, design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall be carried out in accordance with the approved details prior to the development being first brought into use.

Reason:

In the interests of visual amenity and the character and appearance of the area in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

11. All gutters, downpipes and other external plumbing shall be a black painted finish and so retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To protect the external character and appearance of the building and to preserve the character of the area in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

12. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and

stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

Reason:

To ensure a satisfactory standard of landscaping and in the interests of enhancing biodiversity in accordance with the aims of Policies S1, S3, PD3 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

13. The development hereby approved shall not be occupied until the applicant has submitted to and had approval in writing from the Local Planning Authority a residential welcome pack promoting sustainable forms of access to the development. The pack shall be provided to each resident at the point of the first occupation of the dwelling.

Reason: To reduce vehicle movements and promote sustainable access.

14. Notwithstanding the provisions 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 buildings, structures, extensions, fences, gates, walls or other means of enclosure shall be erected within the curtilage of the dwelling on plot 5 without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason:

To safeguard the visual and residential amenities of the in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

15. Notwithstanding the submitted details included on the landscape plans, details of the children's play areas shall be submitted and approved in writing prior to the land formation in the areas shown on plans Landscape plans GL2151 01B and 02B with no dwelling occupied until the children's play areas have been provided in accordance with the approved details (unless agreement is given to an alternative timeframe in writing) and maintained in accordance with details first approved in association with condition 20 of the associated outline permission.

Reason:

To ensure that the play area is provided in a timely manner in the interests of the amenity of future residents in accordance with Adopted Derbyshire Dales Local Plan 2017 Policies PD1 and HC17.

16. A scheme of hard landscaping shall be submitted to and approved in writing by the Local Planning Authority within 56 days of the commencement of development. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any dwellings or in accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason:

To safeguard the visual amenities of the area in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

17. No plant, machinery, deliveries to site or earth movements before 08:30 or after 18:00 Monday to Friday or before 08.30 or after 13.30 on Saturdays and not at all on Sundays and Public Holidays.

Reason:

To protect the amenities of the surrounding residents in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

18. The development hereby above shall be carried out in accordance with the recommendations of the Geo-Environmental Desk Study Report and Geo-Environmental Assessment with a remediation scheme 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 must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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 PD9 of the Adopted Derbyshire Dales Local Plan (2017).

19. Prior to first occupation of any dwelling, details of the legal and funding mechanism for the maintenance and management of all landscaped areas (excluding privately owned gardens), including the play equipment, highways / footways and attenuation features 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).

9.0 NOTES TO APPLICANT:

The Planning Authority prior to the submission of the application, and during its consideration, 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 design and layout.

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.

This permission relates solely to the application plans and documents:-

Plan no's 006C, 007C, 008D, 009C, 300A, 700C, Landscape plans GL2151 01B and 02B
Housetype plans pack dated 27th October 2023 and 23105-RLL-23-XX-DR-C-100, 101, 102-1 and 102-2

Arboricultural Impact Assessment
Tree Constraints Plan
Tree Assessment Plan
Ecological Impact Assessment
Drainage Note
Severn Trent Water Pre-Development Enquiry
Noise Impact Assessment
Geo-Environmental Desk Study Report
Geo-Environmental Assessment
Auxesia Homes Letter
Sales Recommendation Report
Energy Statement
Planning Compliance Statement
Technical note from drainage engineer. (47935-ECE-XX-XX-RP-C-0003).
Auxesia Homes Letter Jan 24
Freeths Letter – Matlock HBH

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 Councils cost's in undertaking the following actions:

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

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

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

CMP

It is expected that contractors are registered with the Considerate Constructors scheme and CONTROLLED 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.