



Planning Committee 12th December 2024

APPLICATION NUMBER		24/00546/OUT	
SITE ADDRESS:		Land Off Throstle Nest Way, Brailsford Derbyshire DE6 3DB	
DESCRIPTION OF DEVELOPMENT		Outline planning application for the erection of up to 70no. dwellinghouses with approval being sought for access and all other matters reserved	
CASE OFFICER	Myles Joyce	APPLICANT	Gladman Developments Ltd
PARISH/TOWN	Brailsford	AGENT	As above
WARD MEMBER(S)	Cllr Bond	DETERMINATION TARGET	30/12/2024
REASON FOR DETERMINATION BY COMMITTEE	Major Planning Application	REASON FOR SITE VISIT (IF APPLICABLE)	Scale and impact of site

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • Policy Context • Principle of Development • Affordable Housing • Developer Contributions • Scale, Design and Appearance • Impact on Setting of a Listed Building • Impact on Residential Amenity • Impact on Landscape Character and Appearance • Trees, Tree protection and planting • Impact on Ecology and Biodiversity Net Gain • Flood Risk and Drainage • Highway Safety / Public Rights of Way • Car Parking, Manoeuvrability • Other • Planning Balance

RECOMMENDATION
<p>RECOMMENDATION: Members are recommended to RESOLVE TO APPROVE the application subject to completion of a S106 agreement and conditions as set out below with delegated authority to the Director of Place and Economy to approve any amendments to those conditions as deemed necessary.</p>

1.0 THE SITE AND SURROUNDINGS

- 1.1 This site comprises two parcels of agricultural land covering an area of 4.09ha to the north west of Brailsford. It includes an existing access onto Main Road, which has compromised visibility and is close to a pedestrian crossing point. As discussed on site this was the main reason why the site was discounted as part of the SHELAA work that was undertaken in 2021, when the site was identified as being available for development.
- 1.2 The site is located outside but partially on the edge of Brailsford. Policy S2 of the Adopted Derbyshire Dales Local Plan (the development plan for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004) directs development to the most sustainable locations to reduce the need to travel and promote sustainable communities based on the services and facilities available in each settlement. Brailsford is a third-tier settlement where policy provides for reduced levels of development in comparison to higher order settlements in order to safeguard and, where possible, improve their role consistent with maintaining or enhancing key environmental attributes.
- 1.3 The proposed entrance noted of sufficient width and well screened on boundary and between two area for housing on indicative layout. Public benefits are housing, affordable housing, construction and, social integration and BNG. Well lead to loss of trees and greenspace, temporary disturbance from construction and heritage harm. Highway concerns not supported by County or Highways England.
- 1.4 The site is raised slightly form the housing development to its west and benefits form clearly defined outcrops of mature screening/woodland. The land is ranked 3 as Best and Most Versatile agricultural Land which is 'good to moderate'. The
- 1.5 The site is a significant distance north-east and east of the Brailsford Conservation Area. It is however within the vicinity of the following listed buildings:
 - School, Grade II, List Entry Number: 1158175
 - School House, Grade II, List Entry Number: 1335040
 - The Bakery, Grade II, List Entry Number: 1158191
 - Towns Well, Grade II, List Entry Number: 1335042
- 1.6 The site is within an undesignated landscape with no special protected status and is not in the setting of a nationally designated landscape.

2.0 DETAILS OF THE APPLICATION

- 2.1 This is an application for Outline Planning Permission (all matters reserved save for access) for up to 70 houses with access off Throstle Nest Way.
- 2.2 More details information sill be submitted at the Reserved Matters stage should outline planning permission be granted for the following criteria:
 - Appearance
 - Access, internal circulation ad manoeuvrability
 - Landscaping including planting, hard and soft landscaping and materials
 - Layout including buildings, routes and open spaces
 - Scale including the size of the development, including the height, width and length of each proposed building

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
- S10: Local Infrastructure Provision and Developer Contributions
- PD1: Design and Place Making
- PD2: Protecting the Historic Environment
- PD3: Biodiversity and the Natural Environment
- PD4: Green Infrastructure
- PD5: Landscape Character
- PD6: Trees, Hedgerows and Woodlands
- PD7: Climate Change
- PD8: Flood Risk Management and Water Quality
- HC1: Location of Housing Development
- HC4: Affordable Housing
- HC11: Housing Mix and Type
- HC13: Outdoor Space and Outdoor Recreation Facilities
- HC18: Provision of Public Transport Facilities
- HC19: Accessibility and Transport
- HC20: Managing Travel Demand
- HC21: Car Parking Standards

3.2 Other Guidance

- Developer Contributions SPD
- Climate Change SPD
- Landscape Character and Design SPD

3.3 Brailsford Neighbourhood Plan (2021)

- H1: Housing
- TM1: Traffic Management and Accessibility
- GSL1: Green and Open Spaces
- LW1: Landscape and Wildlife

3.4 National Planning Policy Framework 2023 notably paragraphs 11 (presumption in favour of sustainable development, paragraph 47 (decision making) and paragraph 208.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 There is no relevant planning history save for the subject planning application.
- 4.2 23/00616/OUT: Outline Mixed-use development of up to 75 dwellinghouses and a commercial development (Use Class E). Allowed on appeal subject to conditions and S106 agreement including contributions relating to Transport Improvements, Healthcare Provision and Affordable Housing provision.

5.0 CONSULTATION RESPONSES

Consultee	Position	Date	Comments
Env Agency	No Comments	15.7.24	Flood Zone 1 no comments
LLFA	Holding objection	24.10.24 30.10.24	Holding objection requiring further information and clarifications

	removed, no objection subject to conditions	7.11.24 22.11.24	1 Further details submitted and response from LLFA further clarification and information regarding an appropriate capacity assessment of the culvert will determine if there is the available capacity to accept the Qbar flow from the site. Applicant send further information 21.11.24. LLFA removed holding objection subject to conditions
Natural England	No objection	7.8.24	No objection- Landscape and standing advice
Sport England	No objection	26.7.24	The proposed development does not fall within either our statutory remit. Standard advice submitted
NHS- Derbyshire Integrated care board	No objection subject to contribution	14.8.24 16.8.24	The development is proposing 70 (A) dwellings which based on the average household size of 2.5 per dwelling and assuming 100% of the new population would come into this area for primary care health provision would result in an increased patient population of approximately 175 (B) (2.5 x A).Contribution of £70,000NB further Tracey Queenan responses suggests £60,000 towards health impact
DDDC Policy	Acceptable in principle subject to accordance with other policies and contribution requirements including affordable housing	2.9.24	Overall, the proposed site lies outside of the defined Settlement Development Boundary of Brailsford and is therefore classed as development in countryside. Policy S4 allows for residential development on edge of third tier settlements, where the District Council cannot demonstrate a five-year supply of housing. The District Council's latest five-year housing supply assessment at 1st April 2023 concludes that the District Council currently falls below the requirement. The Local Plan sets out that the applicant must be able to justify the preferred location. Tilted balance applies. Contributions-On site children's play area, SUDS, Fibre broadband connectivity,
DDDC Housing	No objections subject to S106	19.11.24	21 units oversupply based on need requesting 8 AH units with contributions off site for remaining 13 units required.
DDDC Community Development Manager	No objections.	21.11.24	On site play area provision therefore no off site contributions required
DWT	No objection subject to conditions	5.8.24 20.11.24	A Biodiversity Gain Plan (BGP) will be required to tie together the proposal, post-determination. The production of

			<p>a Habitat Management and Monitoring Plan will secure the gains over the minimum 30-year period (below)Precautionary working practices pertaining to reasonable avoidance measures, timing of works, ecological supervision (if required), sensitive lighting etc. should be undertaken to safeguard birds, bats, badgers, herptiles and small mammals during site clearance and construction. Recommended that three pre-determination nocturnal transect bat activity surveys and three automated static surveys are undertaken (one survey undertaken within the spring, summer and autumn) to determine the importance of the habitats on site for foraging and commuting bats. ecologists. Surveys submitted and considered to be satisfactory removing holding objection subject to conditions relating to undertaking a badger survey pre-commencement, Construction Environmental Management Plan (CEMP), BNG Plan, Habitat Management and Monitoring Plan, Species Enhancement Plan</p>
DCC- Minerals	No objections	27.8.24	No mineral interest. No objections
DCC Policy	No objections subject to developer contributions	5.8.24	£345,093.37 towards the provision of additional education facilities at Brailsford CE Controlled Primary School Sufficient secondary capacity Libraires £4933.04 contribution £77 monitoring fee per clause
DCC Archaeologist	Holding objection survey and conditions	31.7.24 1.11.24	<p>The proposed development area lies at its closest point 74m to the east of the Brailsford Conservation Area recorded on the Derbyshire HER (DDR7012) this was identified as a Conservation Area at Risk in 2009 by Historic England, in this regard please be guided by the advice of your Conservation Officer.</p> <p>Geophysical survey requested and submitted and holding objection consequently removed.</p>
DDDC Trees and Landscape	No objection subject to conditions at reserved matters stage	17.11.24	Recommend that an Arboricultural Impact Assessment and an Arboricultural Method Statement should be required during a subsequent reserved matters application. Regarding visual impact in the landscape I recommend a Landscape Architect be consulted.

DDDC Conservation	No objection	26.7.24	Less than substantial harm arises, relevant NPPF Test engaged
County PROW	No objection subject to condition	5.8.24	Brailsford Public Footpath No. 8 runs through the proposed development site. A diversion is required, because the legal line would become instructed by the proposed works, for the path to align to the walked line shown on the proposals. If a right of way is required to be permanently diverted then the Council that determines the planning application or the Rights of Way Section would object to the plans as the definitive legal line would no longer be available and become obstructed. Various informatives required If the path were to be diverted
Derbyshire Dales Ramblers	No objections	5.8.24	Similar informatives to those set out by County PROW above
Peak and Northern Footpaths	No objections	16.11.24	Corridor for PF8 to run through Therefore, the applicant should look to upgrade the existing signal controlled crossing to a Puffin or PEDEX crossing, this can be secured through a suitably worded planning condition.
National Highways	No objections	13.9.24	Formal recommendation
County Highway Authority	Holding objection removed with further information	14.8.24 11.9.24	<p>Travel plan monitoring fee of £6,325.00. Travel Plan Bond Contribution - £9,940, Prior to first occupation. Travel Plan Monitoring Contribution - £6, 325 Trigger – Prior to first occupation. Retention Period – 5 Years Specific Purpose – Bus stop enhancements for the 2 bus stops at the end of Luke Lane on the A52 Contribution - £19,000 Trigger – Prior to the development being commenced.</p> <p>Outline application but Highway Authority has considered the additional demands arising from the development and concludes that it would not have a severe impact on capacity or an unacceptable impact in capacity. As such there is no evidence to warrant the refusal of the application.</p> <p>The development hereby approved includes the carrying out of work on the adopted highway. Also subject to specify the works and the terms and</p>

			conditions under which they are to be carried out for highway improvements, travel plan and CMP
Amber Valley PC	No response		
Brailsford and Ednaston PC	Objection	22.7.24 5.8.24 2.12.24	Object as outside development boundary considered unsuitable by SHLAA, disruption from construction process, prime agricultural land. Complaint about site notices note being sufficient in location. (resent) Further objection with concerns with regard to location, infrastructure, flood risk, highway safety etc.
Ward Cllr Bond	No response		
Derby Fire and Rescue	No objection subject to conditions	29.7.24	Conditions requested for access for emergency service vehicles, both during the demolition and construction phases of the proposal, should be provided in accordance with Approved Document B (Vols 1 and 2) Section B5. Site details should be provided to Derbyshire Fire and Rescue Service with contact details and expected timeframes for the build (Incorporate into CMP condition)

5.1 Officers consider that the above consultee responses have been taken into account sufficiently to appraise the proposed development and recommend suitably worded conditions to be attached.

6.0 REPRESENTATIONS RECEIVED

6.1 The Campaign for the Protection of Rural England object to the development as it is outside Settlement Boundary it is a Greenfield Site the site is subject to previously Rejected Schemes and would result in the overdevelopment of Brailsford.

6.2 Due to concerns raised additional site notices were erected extending the consultation period to 30th August 2024. A total of 180 objections were received by the LPA from third parties and the main issues are summarised as below:

Design and Appearance

- Obtrusive
- Unwelcome precedent being set
- Senior Conservation officer says recent development has damaged character of development in the village
- Grade II LB are nearby and will be impacted by proposed development
- 4 LB around entrance harmed by development

Flood Risk and Drainage

- Flooding of land
- Increased sun off and surface flooding
- Underground reservoir makes fields undevelopable according to DDDC? In SHLA?

- A52 regularly floods
- Poor road quality repairs makeshift

Traffic Generation and Highway Safety

- Adverse impact
- Large number of HGVs a factor
- Poor access, narrow and on streetcar parking
- Lack of Lollipop person- danger for schoolchildren
- Highway Capacity of A52 especially due to Ashbourne housing developments
- Site considered undevelopable by Highways Agency
- 140 additional cars at least and capacity issues for highway network

Infrastructure

- Insufficient health, education and highway capacity
- Insufficient shops and other facilities in village
- Sewage facilities cannot cope with additional capacity
- Schools and doctors surgery already oversubscribed
- Appropriate funding for the primary school must be secured

Landscaping Impact

- Adverse landscape impact overdevelopment
- Extended the village boundary eroding its character
- Village was linear settlement and development will erode landscape character

Biodiversity

- Loss of biodiversity
- Removal of established hedge
- Adverse impact on protected species such as badgers
- Construction phase very large impact on biodiversity and species
- More private cars more pollution

Policy Harm

- Contrary to LP and NP
- Loophole in LP outside village boundary
- Reviewed LP only 20 hours provided for, over 200 given permission in Brailsford
- Was 30 houses proposed now 70?
- Village size with recent permissions now doubled to 400 already
- LPA 'override local council plans'
- Overconcentration of housing in one site

Other

- Loss of village identity
- Greenfield Site
- Matlock Rugby Club need support
- Noise Pollution
- 1989 scheme rejected on Highway grounds-lack of visibility splays
- Sustainable travel e.g. footpaths already in situ
- Scheme will add nothing on balance

- Gladman Community engagement showed very little support for development
 - No need for this housing
 - Loss of Agricultural land and potential food production
 - Developers manipulating planning regulations
- 6.3 After the 30 August deadline objections were received objecting on the grounds of noise, obtrusive design, residential amenity. Traffic concern, infrastructure cannot cope, loss of village identity, only 20 dwellings in local plan review, drainage and sewerage capacity.
- 6.4 The CPRE objected dated 25th September 2024 as the development was outside Settlement Boundary and a greenfield Site, the history of previously rejected Schemes in Brailsford, and the overdevelopment of Brailsford.
- 6.5 Officers would note that no planning history for the site has been found and with regard to reference to the 1989 scheme, if this was indeed for this site it would have been subject to much earlier Planning Policy and guidance which long preceded the advent of the NPPF and the tilted balance.
- 6.6 The applicants undertook a public engagement exercise, hosting details of its proposals on a dedicated website and directed the local community to view details of the proposals there. In addition the applicants also accepted correspondence via email and in hard copy. The website was operational from 20th March 2024.
- 6.7 This showed how the site could be developed and considers the constraints and opportunities for development that were identified through their initial assessments. Also included was historic settlement growth, community benefits, planning application and project status that is regularly updated and a set of frequently asked questions.
- 6.8 In additional consultation with Brailsford Parish Council, Ward Councillors, the LPA and MP as well as a leaflet drop completed the consultation process. 90 responses were received and concerns with regard to Highways matters, including road safety and accessibility, Services and facilities and infrastructure, benefits, job creation, affordable housing, environmental benefits and wildlife impact and site layout were submitted and responded to in the Community Engagement Document attached to this application.
- 6.9 Officers note that pre-submission of the application the applicant concedes no amendments were made but would make changes during the application process. Officers would consider that notwithstanding the above and further information required being submitted that this report has tackled all the salient points raised by third parties within its content.

7.0 OFFICER APPRAISAL

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

Policy Context

- Principle of Development
- Affordable Housing
- Other Developer Contributions
- Impact on Heritage Assets
- Design and Impact on Character and Appearance
- Impact on Residential Amenity and Living Standards of Future Occupiers
- Impact on Landscaping, Trees and Tree Planting
- Impact on Ecology
- Biodiversity Net Gain
- Flood Risk and Drainage

- Highway Safety, Access and Car Parking
- Planning Balance and Conclusions

7.2 Principle of development

- 7.2.1 Overall, the proposed site lies outside of the defined Settlement Development Boundary of Brailsford and is therefore classed as development in countryside. Policy S4 allows for residential development on edge of third tier settlements, where the District Council cannot demonstrate a five-year supply of housing. The District Council's latest five-year housing supply assessment at 1st April 2023 concludes that the District Council currently falls below the requirement.
- 7.2.2 The Local Plan sets out that the applicant must be able to justify the preferred location. If residential development of the site is considered acceptable in principle, then other policies within the Derbyshire Dales Adopted Local Plan need to be taken into consideration. In terms of any potential impact on the landscape the proposal should reflect the character of the settlement and any intrinsic character, appearance and local distinctiveness of the landscape and setting, including any potential impact on its historic character.
- 7.2.3 Paragraph 11d) of the National Planning Policy Framework (NPPF) (2023) is a material consideration and advises that in circumstances where a Local Planning Authority cannot demonstrate a 5 year housing lands supply 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.
- 7.2.4 The Brailsford Neighbourhood Plan was adopted in July 2021 and therefore forms part of the development plan. The neighbourhood plan is now over three years old and does not contain policies and allocations to meet identified housing requirements. Therefore, in accordance with paragraph 14 of the NPPF any conflict with the neighbourhood plan would be unlikely to significantly and demonstrably outweigh the benefits in my view, where a tilted balance in favour of the development is engaged.
- 7.2.5 Policy S4 s) of the Adopted Derbyshire Dales Local Plan (2017) states that permission will be granted for development where it does not undermine, either individually or cumulatively with existing or proposed development, the physical separation and open undeveloped character between nearby settlements either through contiguous extension to existing settlements or through development on isolated sites and land divorced from the settlement edge. Policy PD5 deals specifically with landscape character and states that the Council will seek to protect, enhance and restore the landscape character of the area. This will be achieved by requiring that development has particular regard to maintaining landscape features, landscape character. Development that would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement will be resisted.
- 7.2.6 Policy PD1 goes on to say that development will only be permitted where the location, materials, scale and use are sympathetic and complement the landscape character, natural features (including trees, hedgerows and water features that contribute positively to landscape character) are retained and managed and opportunities for appropriate landscaping are sought such that landscape characteristics are strengthened.
- 7.2.7 Policy LW1 of Brailsford Neighbourhood Plan states that proposals shall demonstrate appropriate regard for the landscape sensitivities and designations that are significant

features of and constrain development within the parish including the landscape within which the Conservation Area is set. Inter-visibility between the proposed site and the open countryside will therefore need to be assessed and addressed.

- 7.2.8 Policy HC4 will require an affordable housing contribution and developer contributions may be required for health provision, SUDS, children's play area, fibre broadband activity etc.
- 7.2.9 Policies S1 and PD8 of the Adopted Derbyshire Dales Local Plan (2017) are relevant and state that the Council will support development proposals that avoid areas of current or future flood risk and which do not increase the risk of flooding elsewhere. Development will be supported where it is demonstrated that there is no deterioration in ecological status either through pollution of surface or groundwater or indirectly through pollution of surface or groundwater or indirectly through overloading of the sewerage system and wastewater treatment works. New development shall incorporate Sustainable Drainage Measures (SuDS) in accordance with national standards. The whole site is located within Flood Zone 1 which is described as land having a less than 1 in 1,000 annual probability of river or sea flooding. The development would, however, need to be accompanied by a robust Flood Risk Assessment and land and foul water drainage strategy given its scale and nature.
- 7.2.10 The adopted Brailsford Neighbourhood Plan has a number of key issues namely, Protecting and Enhancing the Character and Distinctiveness of the Landscape, Towns and Villages in the Plan Area, Addressing the Challenges of Climate Change, Meeting Housing Needs, Managing Travel Demand and Improving Accessibility, Protecting and Improving Leisure and Recreation Opportunities for Residents and Visitors and Maintaining and Strengthening the vitality and Viability of Town and Village Centres.
- 7.2.11 These marry with the Priorities such as sustaining the village integrity and cohesion in both Brailsford & Ednaston (Policies S4, PD1), Maintaining, complementing and enhancing the natural environment and retaining the rural identity of the Parish as a whole. (Policies PD3, PD6), supporting development which meets the housing needs of local people by providing affordable homes and specially designed accommodation enabling older residents to downsize and live independently while staying within the community, and within close contact to family or friends. (Policies HC1, S2 S4 HC4 HC11).
- 7.2.12 Objective 5 which is concerned with setting high design standards for any future development would be a matter for the details submitted at reserved matters stage.
- 7.2.13 Officers note reference to a previously housing scheme which it is understood was refused planning permission in 1989. Officers would advise that the local development plan and national and regional planning policy and guidance has been replaced or withdrawn or updated through various interactions since then and the application shall be dealt with in accordance with the relevant up to date planning policy and guidance
- 7.2.14 Officers are of the opinion that on balance the proposal must be in accordance with other relevant planning policy and guidance but subject to this that the principle of development is accepted.

7.3 Affordable Housing

- 7.3.1 Policy HC4 seeks to maximise affordable housing across the Plan area and requires a;; residential; developments of 11 dwellings or more to provide 30% of the net dwellings proposed as affordable housing. This should be 80% social and affordable rented accommodation and balance provided by intermediate and discount started homes unless justification is provided by way of a financial appraisal to justify lower provision.

7.3.2 For up to 70 dwellings 21 affordable housing units will be required. In exceptional circumstances the Council, may as an alternative consider off site affordable housing where the required amount of affordable housing is provided on a site other than the one which is subject of a planning application. The provision of any such off-site affordable housing will be subject to a planning obligation secured through a S106 agreement. Any off-site provision of affordable housing would ‘make-up’ the difference between the overall requirements of Policy HC4 and those provided on-site.

7.3.3 If neither on-site or off site provision of affordable housing is possible then, as an alternative the District Council will consider a financial contribution towards the provision of affordable housing elsewhere in the plan area or through the provision of serviced land or a combination of both. Where the Council indicates that it considers it is appropriate for an applicant to make a financial contribution towards affordable housing in lieu of on-site provision, the amount of contribution will reflect the type, size and number of properties that would have been required to be provided on site.

7.3.4 The Housing and Enabling Manager suggests only 8 affordable housing units are require don site and these should be comprised 2 x 1b2p houses and 4 x 2b4p houses for social/affordable rent (capped at LHA) and 2 x 2b4p houses for shared ownership.

7.4 Dwelling Mix

7.4.1 Policy HC11 states that the Council will seek to secure for schemes of 11 dwellings or more a mix as follows:

Type	1 bed	2 bed	3 bed	4 bed
Market	5% (2no.)	40% (20no.)	50% (25no.)	5% (2no.)
Affordable	40% (8no.)	35% (8no)	20% (4no.)	5% (1no.)
On site	2	6	0	0
Financial Contribution in lieu	6	2	4	1
All	10	28	29	3

7.4.2 The approach set out in this SPD seeks to ensure that any off-site financial contribution is sufficient to cover land acquisition and construction costs for the provision of affordable housing elsewhere in the District. Taking account of land values, build costs, dwelling and plot sizes along with financing costs it is proposed that where appropriate developers would be required to pay an off-site affordable housing contribution of £45,464 per unit.

7.4.3 The applicants have no objections to this dwelling mix including the affordable housing on site and developer contributions and the Council’s Rural Housing Officer has no objections. As such the proposal is in accordance with Policy HC11.

7.4.4 This includes a 1.6% contribution (£745 per dwelling) towards the District Council’s housing enabling role. The following assumptions have been made:

- Property Size Technical Housing Standards
- Build Costs BCIS General Estate Housing Median – October 2018
- Blended Figure to reflect housing mix requirements in Policy HC11 £46,209 per dwelling

7.4.5 This commuted sum in lieu of onsite provision is calculated as **£600,717**. The affordable homes provided on site should meet the Nationally Described Space Standards. To achieve NDSS and maximum saleability to an RP, floor areas should be as follows:

- The 1 bed units should be 1 bed 2 person and achieve 50m².
- The 2 bed units should be 2 bed 4 person and achieve 79m²

7.5 Developer Contributions and the Wider S106 agreement

7.5.1 Policy S10 states that the LPA will work with partners to ensure that infrastructure will be in place to meet the needs of the district and support the development strategy. This will include provision for health and social services, access to services and jobs, securing new transport infrastructure, facilitating enhancements to education and training and ensuring the availability of water, flood risk infrastructure through working with the County Council as Lead Local Flood Authority and supporting the provision of open space, sports and recreation facilities.

7.5.2 Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the 3 statutory tests as set out in the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and in paragraph 57 of the NPPF they are:

- necessary to make the development acceptable in planning terms
- directly related to the development, and
- fairly and reasonably related in scale and kind.

7.5.3 Local Planning The County Council will only seek planning obligations where they accord with the CIL Regulations and relevant planning policies. All consultation responses will be in line with the Developer Contributions Protocol. Amendments to the CIL Regulations which came into force on 1st September 2019 have deleted Regulation 123 which governed pooling and therefore the County Council no longer needs to provide evidence to ensure their request for contributions is in conformity with Regulation 123.

7.5.4 As well as affordable housing provision, Statutory consultees have advised that contributions are required for as follows:

Primary Health Care

7.5.5 The NHS Derby and Derbyshire integrated Care Board calculated the need based on a formula of number of dwellings multiplied by average household size and assuming all the population would come into this area for primary care health provision.

7.5.6 They advise that the health contribution would ideally be invested in enhancing capacity/infrastructure with existing local practices. The closest practice to this development being Brailsford and Hlland Medical Practice, sites at Brailsford and Hlland Ward.

7.5.7 The amount calculated is 70 (dwellings) x 2.5 (average household size) x 0/08 square metres space per person at £5,000 /square metres =**£70,000**. Officers consider that the detail justifies the contributions requested and that this is required as part of a legal agreement.

7.5.8 An alternative statement from Chesterfield Royal Hospital suggesting the impact on health of 'up to £60,000' has not been accompanied by any justification and as such officers consider that such an additional contribution cannot be justified, especially in light of the above.

Primary Education

7.5.9 The NPPF clearly sets out that the purpose of planning is to help achieve sustainable development, with paragraph 99 of the NPPF (2023) stating:

'It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement and to development that will widen choice in education They should:

a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and

b) work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted'

7.5.10 Whilst education provision is a statutory function of the County Council, and the Government provides funding to address natural demographic growth, it does not provide monies to accommodate additional pupils generated as a result of new housing development as a matter of course.

7.5.11 The County Council has a statutory duty to make education provision available for each young person and elects where possible to provide a school place for each child at their normal area school. The number of places at the normal area school is assessed through a system provided by the Department of Education which produces a net capacity. The difference between the net capacity and the number on roll is the number of places available or not available to accommodate future requests for places.

7.5.12 The number of pupils that the development is expected to generate is calculated using the formula that for every 100 dwellings there will be 24 primary, 20 secondary and 8 post-16 pupils.

7.5.13 The proposed development falls within and directly relates to the normal area of Brailsford CE Controlled Primary School. The proposed development of 70 dwellings would generate the need to provide for an additional 17 pupils. Brailsford CE Controlled Primary School has a net capacity for 119 pupils, with 137 pupils on roll as at January 2024. The number of pupils on roll is projected to increase during the next five years to 140.

7.5.14 Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area primary school would not have sufficient capacity to accommodate the 17 primary pupils arising from the proposed development.

7.5.15 The above analysis indicates that there would be a need to mitigate the impact of the proposed development on school places in order to make the development acceptable in planning terms. The County Council therefore requests financial contributions of **£345,093.37** towards the provision of additional education facilities at Brailsford CE Controlled Primary School.

7.5.16 For secondary education post 16 education and SEND, sufficient capacity is identified in the system to accommodate the proposed development and consequently on contributions are justified.

7.5.17 The County Council has included Libraries in its review of the Developer Contributions Protocol for schemes proposing over 50 dwellings to mitigate the additional demand on library services in order to maintain the statutory responsibility and vision for libraries.

7.5.18 Ashbourne Library is the nearest library to this site, however, no capital improvements to Ashbourne Library are required as a result of this development proposal. However, where a library building is able to accommodate the extra demand created by a new development but it is known that the stock levels are only adequate to meet the needs of the existing catchment population, a “stock only” contribution will be sought.

7.5.19 In this instance a stock only contribution of **£4933.04** is sought and is calculated as follows:
70 dwellings x 2.3 (average household size) = 161 people x 1.532 (stock level per person)
= 247 stock items x £20 (cost per stock item) = £4,933.04 (i.e. £70.47 per dwelling).

Highway/Travel Contributions

7.5.20 The Local Highway Authority requires the following contributions:

- A suitable budget should be set aside for provision of bus taster tickets. Such tickets should be available to all households as part of the travel welcome pack, and should be valid for a minimum of four week’s commuter journeys on the selected operator’s services. This is calculated as 70 (No. of dwellings) x Trentbartonland 28 day saver ticket @ £142/dwelling or **£9,940.00**
- The travel plan monitoring fee of **£6,325.00**
- To promote the use of sustainable transport methods it is necessary for the existing bus shelters at the stops on the A52 at the end of Luke Lane to be improved to ensure it provides, shelter, seating and timetabling information which may include real time passenger information. A planning obligation should be made for **£19,000** for the two bus stop locations.

7.5.21 Officers consider the above to be justified for the purposes of Policy S10.

Allotments

7.5.22 The proposal provides ample public open space and a children’s play area. However no allotments are proposed on site of which there is an undersupply in the borough according to the Affordable Housing SPD. Accordingly, a financial contribution of 59.10 per dwelling or **£4,137** is requested in lieu of this provision.

Broadband

7.5.23 It is not expected that the County Council will require fibre-based broadband to be provided to make a development acceptable in planning terms, however developers should look to provide for NGA broadband infrastructure services as an integral part of the development scheme at the outset.

7.5.24 In accordance with the Developer Contributions SPD a condition that will require the provision of ducting capable of accommodating a full fibre network from a suitable entry point into the site and onwards to each dwelling/commercial unit which obtains the benefit of planning permission. Ducting provided will be required to satisfy the Openreach Technical Standards

7.5.25 Officers consider the above contributions to be justified and required under Policy S10

Monitoring Fee

7.5.26 In line with the revised Community Infrastructure Levy Regulations 2010 (as amended) Regulation 122 2(a), the County Council will seek a monitoring fee towards the monitoring and reporting of S106 contributions. The fee will be based on the cumulative number of

triggers to be monitored for County Council obligations x £77 (based on officer time Grade 12).

7.5.27 In summation the developer contributions required may be summarised in table form below:

Type of Obligation	Amount (£)	Justified
Affordable Housing Units on site	8	8
AH contribution in lieu of provision (13 units)	600,717	Yes
Primary Health Care	70,000	Yes
Primary School Education	345,093.37	Yes
Libraries	4933.04	Yes
Travel Plan Monitoring Fee	6325	Yes
Bus Taster Tickets	9940	Yes
Bus Shelter Improvements	19,000	Yes
Plus financial contributions in lieu of allotments	4,137	Yes
TOTAL	1,021,145.41	Yes
Plus S106 monitoring Fee(s)	77 Per clause for both DCC and DDDC	Yes

Other S106 matters

7.5.28 The accompanied planning agreement will require additional matters to be included as well as the above Developer contributions namely:

- Provision of sustainable drainage systems
- Public open space provision on site and management
- Provision of on site children's play area
- Provision of biodiversity net gain provision on site and a 30 year monitoring plan

7.5.29 The future maintenance of any new open space provision will be the responsibility of the applicant. There will be a requirement on developers to demonstrate that where on-site provision is provided it will be managed and maintained to an appropriate standard. Where new provision of open space is made either within a development or elsewhere, developers will be required to demonstrate that they have appropriate arrangements for its future management and maintenance.

7.5.30 The future management and maintenance of new open space may be secured by a variety of means, including by a management company and estate management charges. Such details will be included within the S106 which will be required to be signed prior to the issue of any grant of planning permission

7.6 Scale, Design and Appearance

7.6.1 The details in terms of layout, scale design and appearance will be dealt with at the reserved matters stage. At present the indicative layout would suggest that their location would be to potentially minimise impact on the existing dwellings and existing vegetation.

7.7 Archaeology and Impact on Heritage Assets

7.7.1 The County Archaeologist notes that the proposed development area lies at its closest point 74 metres to the east of the Brailsford Conservation Area. In terms of below ground archaeology, the potential of the development proposals to impact archaeology has been

summarily explored. To date there have been very few investigations within Brailsford and so the absence of evidence does not represent evidence for absence. Given the proximity of the site to the conservation area, In order to gain further clarity on the archaeology and in compliance with Para 200 of NPPF I recommend that the applicant undertake a geophysical survey of the site pre-determination.

7.7.2 A geophysical survey was undertaken and the holding objection was withdrawn subject to a standard condition in relation to a written scheme of investigation to be undertaken. Subject to this condition, officers are satisfied that the proposal accords with Policy PR2 of the Local Plan.

Impact on Heritage Assets

7.7.3 The Conservation Officer considers that the Conservation Area and its constituent listed and unlisted buildings are not deemed to be impacted by the proposed development, nor are the listed buildings located in the wider vicinity, owing to their distance from the application site, and lack of demonstrable past activity associated with it.

7.7.4 Looking to the four listed buildings located within closer proximity to the application site, the 'Heritage Desk-Based Assessment' submitted with the application states these are 'of less than the highest significance as defined by the NPPF'. Nevertheless Grade II listed buildings are nonetheless of national significance.

7.7.5 The wider settings of the School, School House, The Bakery and Towns Well (all Grade II) are deemed to include the application site and therefore will be affected by the proposed development. The site adds to the communal value and significance of the buildings as designated heritage assets. Historic England defines 'communal value' as 'the meanings of a place for the people who relate to it, or for whom it figures in their collective experience or memory'. The buildings also hold 'historical value'. Historical value tends to be 'illustrative' or 'associative': 'illustrative value' has 'the power to aid interpretation of the past through making connections with, and providing insights into, past communities and their activities through shared experience of a place'.

7.7.6 Even by nomenclature alone, the aforementioned buildings possess the communal and historical values of community buildings associated with education, trade and provision in a small village, surrounded by open fields. This setting has been eroded by modern infill housing development, subsuming their setting. The proposed development will erode this village character (as illustrated by these listed buildings) further, harming their significance and context.

7.7.7 The level of harm to significance is deemed 'less than substantial' in terms of para. 208 of the NPPF. As such a balance must be applied which would weight the less than substantial harm against the public benefits of the proposed development.

7.7.8 Clearly details such as scale, layout and use of materials will also be relevant to assess in terms of their impact on the heritage assets set out above and will need to be assessed again at reserved matters stage.

7.7.9 That said the public benefits are considerable in terms of a significant contribution to the borough housing supply and affordable housing contribution on site, a children's play area on site and over £1 million in contributions towards, highways improvements, education and libraries and in lieu of affordable housing provision on site. Short term spend with regard to construction and longer terms benefits of increased population local spend and biodiversity net gain would in officer opinion outweigh the less than substantial harm to the heritage assets nearby identified by the Conservation Officer. Accordingly, the proposal is considered to accord with Policy PD2 and paragraph 208 of the NPPF 2023.

7.8 Public Open Space and Recreation

- 7.8.1 The proposed development includes 1.9ha of green infrastructure, including informal and formal public open space, an equipped children's play space, structural landscape planting and an attenuation basin. The green infrastructure will enhance the landscape and provide a community benefit through the provision of public open space.
- 7.8.2 Policy HC14 'Open Space and Outdoor Recreation Facilities' sets out the council's requirements for open space and the typologies that should be provided on site. The proposals have considered this and a financial contribution will be made where required for the provision of Outdoor Sports Facilities, parks and gardens, Semi/Natural Green Space, amenity greens pace, allotments and civic space.
- 7.8.3 The development proposals also have considered Policy GSL1 of the Brailsford Neighbourhood Plan where new open spaces have been incorporated into the proposals and designed in accordance with the local landscapes. The proposals fully accord with Policy HC14 of the DDDC Local Plan and GSL 1 of the Neighbourhood Plan

7.9 Impact on Landscape Character

- 7.9.1 A range of landscape effects can arise through development. These can include, change or loss of elements, features, aesthetic or perceptual aspects that contribute to the character and distinctiveness of the landscape; addition of new elements that influence character and distinctiveness of the landscape or the combined effects of these changes.
- 7.9.2 Policy PD5 requires that development proposals are informed by and are sympathetic to the distinctive landscape character areas as identified in 'The Landscape Character of Derbyshire' and 'Landscape Character of the Derbyshire Dales' assessments and also take into account other evidence of historic landscape characterisation, landscape sensitivity, landscape impact and the setting of the Peak District National Park and where appropriate incorporate landscape mitigation measures.
- 7.9.3 The Landscape Character and Design SPD (2018) expects potential developers of any site benefiting from a special designation to demonstrate how they will avoid any adverse effects on designated or important features, minimise unavoidable effects to the designated areas, or their settings and compensate for unavoidable adverse effects.
- 7.9.4 The landscape is not one subject to special designation This LVIA has considered the landscape and visual effects in relation to the proposals. The general landscape character of the Site and its immediate context is shaped by the existing settlement edge influences and the enclosing arrangement of trees and woodland; the sloping landform and arable farmland. The existing residential development adjoining the site does impart an obvious influence on the Site.
- 7.9.5 The Councils SHLAA notes that the assessed site area was "GREEN"; indicating (as stated in the SHLAA methodology) that there is; '*No or very little impact or issue identified which would prevent the site from being brought forward for development*'. An assessment of the Landscape Value of the Site and its immediate context has been undertaken and this has concluded that this is a landscape of Medium Value.
- 7.9.6 At the local level of the Site and its immediate context, there would be a Moderate / Minor adverse effect once mitigation planting has established and is maturing. Officer agree with the LVIA conclusions that the proposed development would not give rise to any overriding or notable landscape effects. In terms of visual effects, there are relatively limited

opportunities to see the Site, even from within Brailsford and close to the Site and where it is visible it is generally seen in the context of existing adjoining and nearby housing.

7.9.7 The LVIA considered that:

“There are close views towards the Site from Footpath 8, which passes through the site. The footpath will be set within a green landscape corridor. For users of this footpath, there would be a Moderate adverse effect once mitigation planting has begun to mature. For users of the limited other stretches of footpaths with views the visual effects are likely to be no more than Minor adverse, given the existing presence of the settlement edge and properties in these views and the perimeter mitigation planting proposed. For users of Throstle Nest Way, there would also be a Minor adverse visual effect once mitigation planting has begun to mature”

7.9.8 The LPA’s Tree Officer recommends that an Arboricultural Impact Assessment and an Arboricultural Method Statement should be required during a subsequent reserved matters application. He also advises that with regard the visual impact in the landscape I recommend a Landscape Architect be consulted. Officer consider therefore that subject to conditions that the proposal accords with Policy PD5

Landscaping Trees and Tree Planting

7.9.9 The Tree Survey accompanying the planning application surveyed 16 trees of which 8 were of low value and 8 the higher Category A and B values. Only one tree is proposed to be removed with two TPO trees to be retained. With regard to tree planting and tree protection measures, wherever possible, tree planting should be avoided where they may obstruct overhead power lines or cables. Any underground apparatus should be ducted or otherwise protected at the time of construction to enable trees to be planted without resulting in future conflicts.

7.9.1 Retained trees should be adequately protected during works through the erection of the requisite tree protection measures. These protection measures should be detailed as part of a site-specific Arboricultural Method Statement, which could be imposed as a condition of planning approval. Measures to protect trees should follow the guidance in BS5837 and be applied where necessary for the purpose of protecting trees within the site whilst allowing sufficient access for the implementation of the proposed layout.

7.9.11 Officers consider that the measures should be adhered to and standard conditions requiring this are sufficient to mitigate any potential harm arising and thus be in accordance with Policy PD6.

7.10 Impact on Ecology

7.10.1 Natural England has no objections to the proposed development. No statutory or non-statutory sites are present on site or immediately adjacent to. The site lies within the Impact Risk Zone (IRZ) for Mercaston Marsh and Muggington Bottoms Site of Special Scientific Interest (SSSI), however the proposed development does not meet the identified risk categories to trigger a consultation with Natural England. Negative impacts to designated sites as a result from the development are therefore considered unlikely

7.10.2 The application site comprises cropland, modified grassland, bramble scrub, tall forbs, bare ground two native hedgerows and a line of trees considered to be of ‘site value’, although the hedgerows are classed as UK BAP habitats and are therefore considered to be of elevated value compared to the other habitats.

7.10.3 The Derbyshire Wildlife Trust (DWT) note the submission of the Ecological Appraisal (FPCR, May 2024), the Biodiversity Net Gain Report (FPCR, May 2024) the Statutory Biodiversity Metric (FPCR, May 2024) and our Biological Record Centre Data (DBRC) about put in a holding information subject to more information being required with regard to foraging and commuting bats, given the presence of an off-site plantation woodland and on-site hedgerows and a single treeline. The application site will seek to clear approximately 18m of treeline to facilitate the development, as well as erecting site lighting during and post construction. It is therefore recommended that three pre-determination nocturnal transect bat activity surveys and three automated static surveys are undertaken (one survey undertaken within the spring, summer and autumn) to determine the importance of the habitats on site for foraging and commuting bats and these surveys undertaken by a suitable qualified and experienced ecologist.

7.10.4 The surveys were accepted by the DWT and they advise that bat species utilising the site are common and widespread with the number of passes considered to be normal and as expected. The proposals will seek to clear a single line of trees, considered to be of minimal impact. The remaining linear features will be retained and protected during site clearance and construction works, as detailed within a CEMP: Biodiversity. The current proposals provide suitable foraging and commuting habitat for local bat species via scrub, hedgerow and tree planting.

7.10.5 The conclusions of the scheme are supported and note that conditions relating to a lighting strategy to safeguard bats and other nocturnal wildlife during site clearance and construction works secured via condition. External lighting should be directed away from notable boundary features and retain them as 'dark corridors' if possible. A minimum of 21 bat boxes (30% of dwellings) shall be erected into dwellings as well as additional bat boxes erected onto mature retained trees on-site, secured via condition.

Biodiversity Net Gain

7.10.6 The majority of the baseline habitats will be lost to facilitate the proposals; however, a small area of modified grassland and the two native hedgerows will be retained. Without mitigation, the proposals would result in a net loss to biodiversity and therefore further discussions regarding the Biodiversity Net Gain Assessment is highlighted below

7.10.7 The baseline habitats pertain to approximately 3.7ha of non-cereal crops, 0.04ha of 'Poor' condition modified grassland, 0.06ha of 'Moderate' condition modified grassland, 0.11ha of bramble scrub, 0.07ha of 'Moderate' condition tall forbs and 0.01ha of 'Moderate' condition bare ground. The majority of the habitats will be cleared to facilitate the development apart from 0.04ha of 'Poor' condition modified grassland which will be retained. No habitat enhancements are proposed.

7.10.8 Habitat creation pertains to approximately 1.33ha of developed land sealed surface, 0.57ha of vegetated garden, 0.45ha of built linear features, 0.50ha of 'Moderate' condition modified grassland, 0.48ha of 'Moderate' condition other neutral grassland, 0.35ha of 'Moderate' condition mixed scrub, 0.26ha of 'Moderate' condition sustainable drainage system, 0.17ha of 'Moderate' condition urban trees (42 small trees total) and 0.047ha of artificial unvegetated unsealed surface. The hedgerow baseline pertains to a single native hedgerow of 'Good' condition, a single native hedgerow with trees of 'Good' condition and a 'Good' condition line of trees. Both hedgerows are to be retained under the current proposals, however the line of trees is to be removed.

7.10.9 To mitigate for the loss of the line of trees, a single species-rich native hedgerow with trees of 'Good' condition will be implemented into the area of public open space, although the exact location is not known. The above habitat / hedgerow creation is considered to be suitable and achievable for the scheme and results in a +12.90% gain in habitat units and

+126.69% in hedgerow units with trading rules satisfied. A Biodiversity Gain Plan (BGP) will be required to tie together the proposal, post-determination. The production of a Habitat Management and Monitoring Plan will secure the gains over the minimum 30-year period (below).

7.10.10 The DWT has therefore withdrawn their holding objection subject to condition being attached with regard to Species Enhancement, Biodiversity Net Gain, Submission for approval of a Construction Environment Management Plan (CEMP), and a badger survey. These conditions will provide in the view of officers sufficient mitigation to accord with Policy PD3 of the Local Plan.

7.11 Public Rights of Way Issues

7.11.1 The County Public Rights of Way (PROW) officer confirms that the Brailsford Public Footpath No. 8 runs through the proposed development site, as shown on the indicative site plan which also shows an unnumbered path running just north and roughly parallel to the legal line. Notwithstanding the acceptability of a route through a green corridor which would be required within a development the legal line of the path is not precisely on this line. This means that a diversion is required, because the legal line would become obstructed by the proposed works, for the path to align to the walked line shown on the proposals.

7.11.2 The County Planning Authority has the necessary powers to make a diversion order and this would require that any development insofar as it will permanently affect a public right of way must not commence until such an order is confirmed. A temporary closure of the public right of way to facilitate public safety during the works may then be granted by the County Council.

7.11.3 They advise that the proposals for any permanent stopping up or diversion of a public right of way can be considered concurrently with the application rather than await planning permission. If the path were to be diverted to the line shown within the plans, the Rights of Way section would have no objection to this.

7.11.4 Officers therefore agree that these are two separate issues and that such advice can be added to any grant of planning permission as an informative align with advice that the footpath must remain open, unobstructed and on its legal alignment and no disturbance should occur without the prior authorisation of the PROW section.

7.11.5 The Peak and Northern Footpath Society and Derbyshire Dales Ramblers both advise similar with regard to the footpath itself and therefore officers consider that this aspect of the proposal accord with Policy HC19 of the Local Plan.

7.12 Highway Safety/Access and Car Parking

7.12.1 The proposed development is for outline planning permission with all matters reserved apart from access. The Local Highway Authority considers that the Travel plan to support the application is not acceptable in its current form, but could be amended to make it acceptable.

7.12.2 The Highway authority welcomes the proposed provision of a multi user link direct to A52 Main Road noting that the precise specification of this route is to be determined at the detailed design (reserved matters) stage. Design considerations such as provision of secure and accessible cycle storage, access to electric vehicle charging points, pedestrian walkway standards and associated lighting. The earlier chapter with regard to developer contributions set out the Transport related contributions which officers consider to be justified. Officers consider that notwithstanding the Ravel Plan submitted further details can be

provided such as that the duties of the Travel Plan coordinator should include the provision of personalised travel planning for all new households upon occupation, the name and contact details provided to both District and County Councils prior to occupation with further

7.12.3 Additional conditions requiring improvements/enhancements to the existing signal controlled crossing on the A52 and the site access from Throstle Nest Way and a Construction Management Plan (CMP) including details of the access for emergency service vehicles, both during the demolition and construction phases of the proposal, hours of operation and other relevant matters have been requested and officer consider these justified. Legal agreements under the Highways Act shall be required and added as informatives.

7.12.4 Officers consider that further details with regard to landscaping, materials, car parking and cycle and refuse storage are matters to be considered at the reserved matter stage. The Highway proposals are considered subject to the associated conditions and legal agreements the proposal is acceptable and in accordance with Policy HC19 of the Local Plan.

7.13 Flood Risk and Drainage Management

7.13.1 The site lies within Flood Risk Zone 1 and therefore is not situated within an area at risk of flooding. However, as the site area is in excess of 1 hectare a Flood Risk Assessment it required.

7.13.2 The Flood Risk Assessment (FRA) submitted with the application notes that there is an existing foul sewer within the south west corner of the site but this appears to be redundant so it is proposed that connection for foul flows be made to the combined system in Main Road at MH5305 and this has been agreed by Severn Trent Water as set out in Appendix 3B of the FRA. The gravity foul system will be designed to adoptable standards and submitted for adoption under the new Sewerage Sector Guidance by Severn Trent Water in conjunction with the surface water scheme and finally that the outline foul drainage strategy for the development has been prepared accordingly.

7.13.3 The FRA proposes in chapter 6 of its mitigation measures that whilst the site is not mapped as being at surface water flood risk, consideration needs to be given to run off from higher ground to the north east allowance should be made for provision of a land drain to pick up any flows entering the site from higher ground to the north east to be conveyed around the site boundary and connected into the existing boundary ditch to the south east. This provision should be reinforced by setting proposed development levels above existing ground level along the east boundary.

7.13.4 The FRA proposes in its drainage strategy to overall limit flows offsite to the Qbar rate of 6.96 litres/sec with flows attenuated within the proposed attenuation basin and connection will be made to the culvert at the Main Road frontage. Highways, houses and associated hard surfaces will be served by a piped surface water network designed to adoptable standards to ensure, at minimum, no flooding up to the 1 in 30 year event and will be discharged into the basin. Flows from the basin will pass through a hydrobrake to ensure flows do not exceed the proposed rate prior to discharging to the culvert.

7.13.5 Future Maintenance will be adopted by Severn Trent Water who will become responsible for maintenance of the system for the lifetime of the development once they have adopted it. Private drainage serving houses within the development will be designed to current building standards and will become the responsibility of the individual householders.

7.13.6 The provision of trapped gullies to adoptable roads and the attenuation basin will provide two levels of treatment to address any perceived risk to water quality. Floor Levels will

generally be set a minimum of 0.15m above external ground level and will encourage any flows generated by an exceedance event (i.e. greater than the 1 in 100 year plus climate change design event) to pass safely through the development

7.13.7 The above regarding surface and foul water drainage is attached as Appendix 5B of the FRA. The County LLFA held an objection pending further information and clarifications as follows:

- demonstrate that the culvert is in a suitable condition to capacitate the discharge of surface water flows from the site without increasing flood risk up or downstream.
- assess the fluvial flood risk from adjacent watercourses has not been assessed.
- demonstrate mitigation with regard surface water flowing to the western boundary of the site
- clarify the role of the covered reservoir and how it interacts with the site adjacent to the northeastern boundary of the site
- clarify calculation of the total developable area, and a figure of public open space area.

7.13.8 Further details were submitted and the latest information submitted led to the LLFA withdrawing their objection subject to conditions related to Surface Water Run-off and drainage and as such Officers are satisfied that the proposal subject to these conditions will accord with Policy PD8 of the local plan

7.14 Other Matters

7.14.1 Details of refuse storage and location are provided, officer considers that this can be conditioned as a pre-occupation condition. With regard to cycle storage such provision can be accommodated easily within the units themselves.

7.14.2 Issues with regard to Noise generation and attenuation and impacts on amenity of existing occupier so the surrounding area and future occupiers of the site itself will be dealt with at the Reserved Matters stage.

7.14.3 An air quality report was submitted and considers that the proposed development incorporates the following good design and best practice measures:

- electric vehicle charging points for every new home;
- secure cycle parking for every dwelling;
- provision of a detailed travel plan setting out measures to encourage sustainable means of transport (public, cycling and walking) including provision of a resident's travel pack to
- promote non-car modes of transport; and
- provision of pedestrian and cycle access to the new development.

7.14.4 Officers consider that the above could be incorporated into a suitably worded condition to be submitted for approval prior to occupation should planning permission be granted.

7.14.5 The Noise Assessment submitted with the application suggests various mitigation measures in section 3 and officers consider these could be conditions to be submitted for approval at the reserved matters stage

Benefits of Scheme

7.14.3 The applicants have submitted a socio-economic benefits report which considers that the benefits in summary are.

- Delivery of up to 70 homes including 30% affordable housing which could be home to up to 154 residents.
- 88 new residents of working age 69 of whom would be in employment
- Residents could generate total gross expenditure of £1.9million per annum
- A construction spend of £10.79 million, contributing

- significantly to GDP
- 88 FTE direct construction jobs and 6 apprenticeships per annum over the 2 year build-out period, as well as 120 FTE
- indirect jobs per annum in associated industries available for local workers.
- New Homes Bonus payment of £579,880 over a 4 year period.
- Council Tax payments of approximately £1.38 million over 10 years.
- Significant Section 106 Contributions to be spent in the local community

7.14.4 Officers would refer to the earlier chapter on contribution and the public benefit balance test set out in paragraph 208 to argue that whilst the above is an estimate and some will be provided as developer contributions in lieu of actual on site provision, the benefits both during the construction phase and once the homes are occupied will be substantial

7.15 The Planning Balance

7.15.1 Officers note that the LPA cannot demonstrate a five year housing land supply and therefore paragraph 11 of the NPPF is engaged where the planning balance is tilted to assess schemes which should be granted permission unless the disadvantage/harm of the proposed development substantially and demonstrably outweigh the benefits

7.15.2 The benefits set out above are considerable in terms of financial benefits and socially spend and provision will have a significantly positive social input which added to public open space and a children's play area would provide significant benefit. Ecological enhancement and biodiversity net gain can be secured on site over the requisite time horizon and only one tree is proposed to be felled.

7.15.3 The proposed development however is significant in scale and would impact in terms of loss of open space, increased pressure on the road network and on existing services including health, education and drainage infrastructure. Nevertheless officer consider that the conditions and legal agreement attached to any grant of planning permission will mitigate the harm arising from the development and would in balance be positive in terms of the planning balance demonstrating sustainable development and certainly when the tilted balance is applied.

7.15.4 In conclusion, the proposal demonstrated sustainable development in social economic and environmental terms as set out in paragraph 8 of the NPPF and consequently passes the tilted balance test set out by paragraph 11 of the NPPF and the sustainable development principles of Policy S1 of the adopted Derbyshire Dales Local Plan.

8.0 RECOMMENDATION

8.1 That planning permission be granted subject to the following conditions.

Standard Conditions

1. Before any development takes place details of the following

- Appearance
- Access, internal circulation and manoeuvrability
- Landscaping including planting, hard and soft landscaping and materials
- Layout including buildings, routes and open spaces
- Scale including the size of the development, including the height, width and length of each proposed building

shall be submitted to and approved in writing by the Local Planning Authority no later than 3 years from the date of this permission

Reason:

This is a statutory period as specified in Section 92 of the Town and Country Planning Act 1990

2. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved

Reason:

The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

3. This development shall be carried out in accordance with the plans and documents submitted in support of this outline planning permission received on 1st July, 12th July, 11th September, 19th September, 24th October, 6th November and 21st November (all 2024).

Reason: For the avoidance of doubt

Construction Related Conditions

4. No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority of a Construction Management Plan (CMP) comprising of:
 - a) a parking of vehicles for site operatives and visitors;
 - b) any temporary access to the site;
 - c) locations for loading/unloading and storage of plant, waste and construction materials, methods of preventing mud and dust being carried onto the highway arrangements for turning vehicles;
 - d) arrangements to receive all types of construction traffic required by the works;
 - e) a Joint Highway Condition survey;
 - f) methods of communicating the construction management plan to staff, visitors, neighbouring residents and neighbouring businesses;
 - g) details of how additional surface water run-off from the site will be avoided and managed during the construction period. Details of access for emergency service vehicles, both during the demolition and construction phases of the proposal, should be provided in accordance with Approved Document B (Vols 1 and 2) Section B5 for the approval of the Local Planning Authority in conjunction the Derbyshire Fire and Rescue Service including contact details and expected timeframes for the build.
 - h) The approved plan shall be adhered to throughout the construction period.

Reason:

In the interests of the amenities of the occupiers of the properties in the surrounding area and highway safety

5. The Development hereby approved shall not commence until drawings of the Highway improvements/offsite works comprising:
 - Enhancements to the existing signal controlled crossing on the A52.
 - The site access from Throstle Nest Way.

have been submitted to and approved in writing by the Local Planning Authority; and the building shall not be occupied until those works have been constructed in accordance with the approved details.

Reason:

To ensure the safe and free flow of traffic onto the highway.

6. No site machinery or plant shall be operated, no process shall be carried out and no construction related deliveries received or dispatched from the site except between the hours of 0800h – 1800h Monday to Friday, 0800h – 1300h Saturday and at no time on Sundays, Bank or Public Holidays.

Reason:

To preserve the amenities of the surrounding area in accordance with Adopted Derbyshire Dales Local Plan Policy PD1

Archaeological Condition

7. No development shall take place until a:

- a) Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and
 - I. The programme and methodology of site investigation and recording
 - II. The programme for post investigation assessment
 - III. Provision to be made for analysis of the site investigation and recording
 - IV. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - V. Provision to be made for archive deposition of the analysis and records of the site investigation
 - VI. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation"

"b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a)."

"c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured."

All works should be in accordance with an approved WSI prepared specifically to the needs of this site and the development, pre-approved by this office in writing before implementation. The WSI should be compiled by the archaeological organisation/archaeologist commissioned to undertake the works in the field and should be undertaken to recognised industry standards, in line with the appropriate qualitative standards of fieldwork and recording as outlined in key methodological literature on practice and technique (for example Barker 1993, Roskams 2001). All archaeological works should be undertaken by a suitably experienced archaeological organisation with suitably and most importantly demonstrably experienced archaeologists undertaking the work on the ground.

Reason:

Highway Conditions

8. The Development hereby approved shall not commence until drawings of the Highway improvements/offsite works comprising:

- Enhancements to the existing signal controlled crossing on the A52.
- The site access from Throstle Nest Way.

Have been submitted to and approved in writing by the Local Planning Authority; and the building shall not be occupied until those works have been constructed in accordance with the approved details.

REASON: To ensure the safe and free flow of traffic onto the highway.

9. The Development hereby approved shall not be occupied until the applicant has submitted an updated travel plan in writing to the Local Planning Authority that contains the following details:

- The appointment of a Travel Plan, their name and contact details coordinator who should include the provision of personalised travel planning for all new households upon occupation.
- A residents Travel Pack
- An informal site based car share scheme
- Public Transport, Walking and Cycling Promotion
- Encourage establishment of walking, cycling and residents transport groups

To be approved in writing by the Local Planning Authority. This plan will thereafter be implemented and updated.

Reason:

To reduce vehicle movements and promote sustainable access

Ecological and BNG Conditions

10. No further building works shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

Reason:

To safeguard protected species.

11. Prior to the commencement of development hereby permitted a biodiversity gain plan in the form of a Habitat Management and Monitoring Plan has been submitted to the planning authority for approval. This shall include details of management and monitoring over a 30-year period, for all significant onsite gains and should be prepared in conjunction with Landscaping details, Species Enhancement Strategy and Biodiversity Enhancement Strategy submitted in support of this application

The development shall be carried out in accordance with the approved details.

Reason:

In the interest of promoting biodiversity net gain in accordance with the Environment Act 2021 and policy PD3 of the adopted Derbyshire Dales Local Plan 2017.

12. Due to the presence of local badger sett records and suitable habitat on site, prior to the commencement of development, including preparatory site clearance, a detailed badger survey for any recently excavated badger setts on the site or within 30 metres of the site boundary shall be undertaken. The results and any appropriate mitigation/licensing requirements shall be submitted to the Local Planning Authority for approval. Such approved measures must be implemented in full.

Reason:

In the interest of promoting biodiversity net gain in accordance with the Environment Act 2021 and policy PD3 of the adopted Derbyshire Dales Local Plan 2017

13. No development shall take place (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason:

In the interest of promoting biodiversity net gain in accordance with the Environment Act 2021 and policy PD3 of the adopted Derbyshire Dales Local Plan 2017

14. Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of light spill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). Such approved measures will be implemented in full.

Reason:

In the interest of promoting biodiversity net gain in accordance with the Environment Act 2021 and policy PD3 of the adopted Derbyshire Dales Local Plan 2017

15. Prior to building works commencing above foundation level, a Species Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. Approved measures shall be implemented in full and maintained thereafter. The Plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:

- universal nest boxes at ratio of 1:1, in line with British Standard 42021:2022.
- integrated bat boxes in 30% of dwellings.
- insect bricks in 30% dwellings and / or towers in public open space.
- fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs in all gardens.

A statement of good practice including photographs should be submitted to the local planning authority prior to the discharge of this condition, demonstrating that the enhancements have been selected and installed in accordance with the above.

The enhancements should be implemented in accordance with the approved details and all features retained in that manner thereafter

Reason:

In the interest of promoting biodiversity net gain in accordance with the Environment Act 2021 and policy PD3 of the adopted Derbyshire Dales Local Plan 2017

Pre-Occupation and Reserved Matters Conditions

16. With or before the submission of Reserved Matters, full details of the laying out of the Local Area of Play which shall include the equipment specification and hard and soft landscaping has been submitted to and approved in writing by the Local planning Authority. The development shall be carried out in accordance with the approved scheme unless the Local Planning Authority gives its written consent to any variation.

Reason:

To ensure the satisfactory provision of open space in accordance with Adopted Derbyshire Dales Local Plan 2017 Policy HC14.

17. The dwellings, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking/ loading and unloading/ manoeuvring of residents/ visitors/ service and delivery vehicles, located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use. In addition the following details shall be provided as part of this agreement with the LPA:

- electric vehicle charging points for every new home;
- secure cycle parking for every dwelling;
- provision of a detailed travel plan setting out measures to encourage sustainable means of transport (public, cycling and walking) including provision of a resident's travel pack to promote non-car modes of transport; and
- provision of pedestrian and cycle access to the new development.

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 Policies PD1 of the Adopted Derbyshire Dales Local Plan 2017

18. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.

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 Policy PD1 of the Adopted Derbyshire Dales Local Plan 2017

19. With or before the submission of Reserved Matters, a Site Specific Arboricultural Method Statement (AMS) regard to tree planting and tree protection measures in accordance with guidance in BS5837. This should demonstrate avoidance of obstruction of overhead power lines or cables. Any underground apparatus should be ducted or otherwise protected at the time of construction to enable trees to be planted without resulting in future conflicts.

Reason:

In accordance with Policy PD 6 of the adopted Derbyshire Dales Local Plan 2017.

20. With or before the submission of Reserved Matters details of the provision of broadband infrastructure services including the provision of ducting capable of accommodating a full fibre network from a suitable entry point into the site and onwards to each dwelling/commercial unit which obtains the benefit of planning permission. Ducting provided will be required to satisfy the Openreach Technical Standards. The development shall be as an integral part of the development scheme, carried out in accordance with the approved details.

Reason:

In accordance with PD5 of the adopted Derbyshire Dales Local Plan

21. With or before the submission of Reserved Matters, a Noise Attenuation Plan in association with the proposed mitigation measure in the submitted Noise Screening Report received on 1st July 2024 shall be submitted to and approved in writing by the Local planning Authority. The development shall be carried out in accordance with the approved scheme unless the Local Planning Authority gives its written consent to any variation.

Reason:

To ensure the satisfactory provision of open space in accordance with Adopted Derbyshire Dales Local Plan 2017 Policy PD9

Landscaping Conditions

22. A scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority within 56 days of the commencement of development, the details of which shall include :-
- a. indications of all existing trees, hedgerows and other vegetation on the land;
 - b. all vegetation to be retained including details of the canopy spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
 - c. measures for the protection of retained vegetation during the course of development;
 - d. soil preparation, cultivation and improvement;
 - e. all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
 - f. grass seed mixes and sowing rates;
 - g. finished site levels and contours;
 - h. means of enclosure;
 - i. car park layouts;
 - j. other vehicle and pedestrian access and circulation areas;
 - k. hard surfacing materials;
 - l. minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
 - m. proposed and existing functional services above and below ground (e.g.

drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
n. retained historic landscape features and proposed restoration, where relevant.

Reason:

To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features in accordance with Adopted Derbyshire Dales Local Plan 2017 Policy PD5.

23. 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. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason:

To ensure a satisfactory standard of landscaping in the interests of amenity in accordance with Adopted Derbyshire Dales Local Plan 2017 Policies PD1 and PD5.

Flood Risk and Drainage Conditions

24. The development permitted by this planning permission shall be carried out in accordance with the mitigation measures approved in chapters 6 and 7 approved Flood Risk Assessment (FRA) received on 1st July 2024 and in association with the additional drainage information submitted on 19th September and 17th November 2024. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason:

In accordance with Policy PD8 of the adopted Derbyshire Dales Local Plan

25. 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. Lees Roxburgh Limited Consulting Engineers. (6th June 2024). Flood Risk Assessment With Outline Drainage Strategy. Ref: 6072/R3.
- b. Lees Roxburgh Limited Consulting Engineers. (April 2024). Phase 1 Geoenvironmental Assessment (Desk Study). Ref: 6072/R1.
- c. Lees Roxburgh Limited Consulting Engineers. (September 2024). Statement In Response To Derbyshire County Council LLFA Holding Objection 23rd August 2024. Ref: 6072. No objections in principle Conditions Recommended X Objection Recommended
- d. Lees Roxburgh Limited Consulting Engineers. (November 2024). Pre and Post Development Surface Water Run Off Routing and Rates. including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team
- e. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the Local Planning Authority.

Reason:

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

26.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 56 Reference ID: 7-056-20220825 of the planning practice guidance. and to obtain a full understanding of the springs within the site and any associated mitigation requirements.”

Reason:

To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options. The assessment should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy:

- into the ground (infiltration);
- to a surface water body;
- to a surface water sewer, highway drain, or another drainage system;
- to a combined sewer.

And to ensure that development will be safe from flood risk including from groundwater and natural springs.

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

Reason:

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

Dwelling Mix Condition

28.The housing mix in the Reserved Matters submission shall incorporate on site 8 dwellings as affordable housing broken down as 2 one bed and 6 2 bed dwellings. All of these units shall accord with the Nationally Described Space Standards (NDSS). The outstanding 13 units required by Policy HC4 shall be provided through a financial contribution in lieu of on site provision.

Reason: In accordance with Policies HC4 and HC11 of the adopted Derbyshire Dales Local Plan 2017.

9.0 NOTES TO APPLICANT:

1. The Local Planning Authority considered the application as submitted to be acceptable. On this basis, there was no need to engage with the applicant in a positive and proactive manner to resolve any planning problems and permission was granted without negotiation.

2. Any works affecting bird nesting habitat, such as scrub, hedgerows or trees should be conducted outside the bird nesting season (1st March – 31st July). Under the terms of the Wildlife and Countryside Act 1981 and Countryside and Rights of Way Act 2000, it is an offence to disturb nesting birds or roosting bats. The work hereby approved does not override the statutory protection afforded to these species and you are advised to seek expert advice if you suspect that the demolition would disturb any protected species.

17. 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.

18. This decision notice relates to the following plans and documents:

Received 1.7.24

- LVIA
- Development Framework Plan
- Potential Site Access
- Ecological Appraisal
- BNG Report
- BNG Spreadsheet
- Arboricultural Assessment
- Phase 1 Geo-environmental Assessment
- Flood Risk Assessment
- Heritage Assessment
- Air Quality Assessment
- Noise Screening Report
- Socio-Economic Benefits Statement
- Statement of Community Involvement
- Planning and Affordable Housing Statement

Received 12.7.24

- Site Location Plan
- Highway Plan

Received 11.9.24

- Additional PROW information

Received 19.9.24

Additional information requested by LLFA

Received 24.10.24

- Geophysical Survey Report requested by County Archaeologist

Received 6.11.24

Bat Surveys requested by DWT

Received 21.11.24

- Further information -drainage requested by LLFA

19. The pre-commencement conditions attached to this permission have been imposed having served the requisite notice on the applicant(s) and having received a positive response (deemed or otherwise) under section 100ZA(5) of the Town and Country Planning Act 1990.

20. The Local Highway Authority has no objection to the above subject to the applicant obtaining a section 184 license. The construction of a new access will require the extension of verge and/or footway crossing from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Derbyshire Highways details can be found at:

www.derbyshire.gov.uk/transport-roads/roads-traffic/licencesenforcements/vehicular-access/vehicle-accesses-crossovers-and-droppedkerbs.aspx

or email highways.hub@derbyshire.gov.uk

before commencing any works on the highway.

21. The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out. Contact the Highway Authority's Implementation team at: development.implementation@derbyshire.gov.uk

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

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

22. There is a public right of way running through the site, the applicant will be required to contact the PROW team to arrange for an official diversion, if the applicant cannot guarantee the safety of the path users during the construction phase then they must apply to the PROW department at www.derbyshire.gov.uk/leisure/countryside/access/rights-of-way/faqs/frequently-asked-questions-faqs.aspx

to arrange a temporary closure of the right of way for the duration of any works. We advise you to seek your own independent legal advice on the use of the public right of way for vehicular traffic. The site is traversed by a public right of way and this permission does not authorise additional use by motor vehicles, or obstruction, or diversion.

23. The footpath must remain open, unobstructed and on its legal alignment. There should be no disturbance to the path surface without prior authorisation from the Rights of Way Section. Consideration should be given to the safety of members of the public using the path during the works. A temporary closure of paths will be permitted on application to DCC where the path remains unaffected on completion of the development. There should be no encroachment of the path, and no fencing should be installed without consulting the Rights of Way section

24. The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network

before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.

25. The proposed development will require a Travel Plan as part of the transport mitigation package (together with a Monitoring Fee and Default Payment) and the Applicant/Developer is required to enter into a legally binding Planning Obligation Agreement with the County Council to secure the Travel Plan.

26. It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to “respecting the community” this says constructors should give utmost consideration to their impact on neighbours and the public:

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

27. 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.

28. 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.

29. The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which allows the Highway Authority to recover additional costs of road maintenance due to damage by extraordinary traffic. Before any work is commenced upon the development hereby approved representatives of Derbyshire County Council, as the Highway Authority and the applicant, shall carry out a joint road survey/inspection on the roads leading to this site. Any highlighted defects shall be rectified to the specification and satisfaction of the Highway Authority before work is commenced on the development hereby approved. A further joint survey/inspection shall be undertaken following completion of development hereby approved and any necessary remedial works shall be completed to the specification and satisfaction of the Highway Authority within 1 month or other agreed timescale.

30. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Derbyshire Dales District Council.

31. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

32. Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

18.1. The application for planning permission was made before 12 February 2024.

18.2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.

18.3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and

(i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or

(ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.

18.4. The permission which has been granted is for development which is exempt being:

18.4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

- the application for planning permission was made before 2 April 2024;
- planning permission is granted which has effect before 2 April 2024; or
- planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

18.4.2 Development below the de minimis threshold, meaning development which:

- does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).
- Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.
- Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).
- Self and Custom Build Development, meaning development which:
- consists of no more than 9 dwellings;
- is carried out on a site which has an area no larger than 0.5 hectares; and

- consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

18.4.5 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

** “original planning permission means the permission to which the section 73 planning permission relates” means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.*

Irreplaceable habitat

- If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.
- The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.
- The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

33. The effect of section 73D of the Town and Country Planning Act 1990

- If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission (“the earlier Biodiversity Gain Plan”) there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.
- Those circumstances are that the conditions subject to which the section 73 permission is granted:
- do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

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

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

22. No part of the proposed development shall be constructed within 5-8m of an ordinary watercourse and a minimum 3 m for a culverted watercourse (increases with size of culvert). It should be noted that DCC have an anti-culverting policy.
23. The applicant should be mindful to obtain all the relevant information pertaining to proposed discharge in land that is not within their control, which is fundamental to allow the drainage of the proposed development site.
24. The applicant should demonstrate, to the satisfaction of the Local Planning Authority, the appropriate level of treatment stages from the resultant surface water discharge, in line with Table 4.3 of the CIRIA SuDS Manual C753.
25. The County Council would prefer the applicant to utilise existing landform to manage surface water in mini/sub-catchments. The applicant is advised to contact the County Council's Flood Risk Management team should any guidance on the drainage strategy for the proposed development be required.
26. The applicant should provide a flood evacuation plan which outlines:
 - The flood warning procedure
 - A safe point of extraction
 - How users can safely evacuate the site upon receipt of a flood warning
 - The areas of responsibility for those participating in the plan
 - The procedures for implementing the plan
 - How users will be made aware of flood risk
 - How users will be made aware of flood resilience
 - Who will be responsible for the update of the flood evacuation plan
27. Flood resilience should be duly considered in the design of the new building(s) or renovation. Guidance may be found in BRE Digest 532 Parts 1 and 2, 2012 and BRE Good Building Guide 84.
28. Surface water drainage plans should include the following:
 - Rainwater pipes, gullies and drainage channels including cover levels.
 - Inspection chambers, manholes and silt traps including cover and invert levels.
 - Pipe sizes, pipe materials, gradients, flow directions and pipe numbers.
 - Soakaways, including size and material.
 - Typical inspection chamber / soakaway / silt trap and SW attenuation details.
 - Site ground levels and finished floor levels.
29. On Site Surface Water Management;
 - The site is required to accommodate rainfall volumes up to the 1% probability annual rainfall event (plus climate change) whilst ensuring no flooding to buildings or adjacent land.
 - The applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas, etc, to demonstrate how the 30 year + 35% climate change and 100 year + 40% Climate Change rainfall volumes will be controlled and accommodated. In addition, an appropriate allowance should be made for urban creep throughout the lifetime of the development as per 'BS 8582:2013 Code of Practice for Surface Water Management for Developed Sites' (to be agreed with the LLFA).
 - •

- Production of a plan showing above ground flood pathways (where relevant) for events in excess of the 1% probability annual rainfall event, to ensure exceedance routes can be safely managed.
 - A plan detailing the impermeable area attributed to each drainage asset (pipes, swales, etc), attenuation basins/balancing ponds are to be treated as an impermeable area.
 - Peak Flow Control
 - For greenfield developments, the peak run-off rate from the development to any highway drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event, should never exceed the peak greenfield run-off rate for the same event.
 - For developments which were previously developed, the peak run-off rate from the development to any drain, sewer or surface water body for the 100% probability annual rainfall event and the 1% probability annual rainfall event must be as close as reasonably practicable to the greenfield run-off rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development, prior to redevelopment for that event.
 - For greenfield developments, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hour 1% probability annual rainfall event must not exceed the greenfield runoff volume for the same event.
 - For developments which have been previously developed, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hour 1% probability annual rainfall event must be constrained to a value as close as is reasonably practicable to the greenfield runoff volume for the same event, but must not exceed the runoff volume for the development site prior to redevelopment for that event.
- Note:- If the greenfield run-off for a site is calculated at less than 2 l/s, then a minimum of 2 l/s could be used (subject to approval from the LLFA).
 - Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional.
 - Where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning signage should be provided to inform of its presence. Cellular storage and infiltration systems should not be positioned within the highway.
 - Guidance on flood pathways can be found in BS EN 752.
 - The Greenfield runoff rate which is to be used for assessing the requirements for limiting discharge flow rates and attenuation storage for a site should be calculated for the whole development area (paved and pervious surfaces - houses, gardens, roads, and other open space) that is within the area served by the drainage network, whatever the size of the site and type of drainage system. Significant green areas such as recreation parks, general public open space, etc., which are not served by the drainage system and do not play a part in the runoff management for the site, and which can be assumed to have a runoff response which is similar to that prior to the development taking place, may be excluded from the greenfield analysis.
30. If infiltration systems are to be used for surface water disposal, the following information must be provided:
- Ground percolation tests to BRE 365.
 - Ground water levels records. Minimum 1m clearance from maximum seasonal groundwater level to base of infiltration compound. This should include assessment of relevant groundwater borehole records, maps and on-site monitoring in wells.
 - Soil / rock descriptions in accordance with BS EN ISO 14688-1:2002 or BS EN ISO 14689-1:2003.
 - Volume design calculations to 1% probability annual rainfall event + 40% climate change standard. An appropriate factor of safety should be applied to the design in accordance with CIRIA C753 – Table 25.2.

- Location plans indicating position (soakaways serving more than one property must be located in an accessible position for maintenance). Soakaways should not be used within 5m of buildings or the highway or any other structure.
 - Drawing details including sizes and material.
 - Details of a sedimentation chamber (silt trap) upstream of the inlet should be included.
 - Soakaway detailed design guidance is given in CIRIA Report 753, CIRIA Report 156 and BRE Digest 365.
- All Micro Drainage calculations and results must be submitted in .MDX format, to the LPA. (Other methods of drainage calculations are acceptable.)
31. The applicant should submit a comprehensive management plan detailing how surface water shall be managed on site during the construction phase of the development ensuring there is no increase in flood risk off site or to occupied buildings within the development.
 32. The applicant should manage construction activities in line with the CIRIA Guidance on the Construction of SuDS Manual C768, to ensure that the effectiveness of proposed SuDS features is not compromised.
 33. The applicant is further advised that as the site consists of 30 or more dwellings to discuss with Openreach at least six months before development commences on site the provision of full fibre connections to the site. It is understood that this is provided free of charge by Openreach to the applicant. Similarly, Virgin Media also provide fibre connectivity to new developments, please follow the link for more information;
<https://www.virginmedia.com/lightning/network-expansion/property-developers>
 34. There are other suppliers which can be approached such as independent Fibre Networks Limited (INFL)
<https://www.ifnl.net/developers>
 GTC Utility Network
<https://www.gtc-uk.co.uk/house-builders/fibre-to-the-home>
 The HBF is actively encouraging suppliers to install fibre as part of installation to new sites, please see the link for more information <https://www.hbf.co.uk/search/?q=fibre>