

APPLICATION NUMBER		23/00463/FUL	
SITE ADDRESS:		Land South Of Mercaston Lane And East Of Luke Lane, Brailsford	
DESCRIPTION OF DEVELOPMENT		Erection of 33no. dwellinghouses, vehicular access, public open space, drainage, landscaping and associated works	
CASE OFFICER	Shaun Robson	APPLICANT	Cameron Homes Ltd
PARISH/TOWN	Brailsford	AGENT	Mr Stuart Wells, Evolve Planning and Design Ltd
WARD MEMBER(S)	Cllr Geoff Bond	DETERMINATION TARGET	15 th August 2023 (EOT agreed up to the 15 th December 2023).
REASON FOR DETERMINATION BY COMMITTEE	Major application	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to appreciate the site, its context and to fully assess the main issues engaged

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • Whether residential development on this site is acceptable in principle • Landscape impact and impact upon the character and appearance of the area • Transport and impact on highway safety • Impact upon the amenity of neighbouring properties • Sustainable building and climate change • Flood risk and drainage • Impact on trees and biodiversity • Affordable housing, housing mix and developer contributions

RECOMMENDATION
<p><i>That authority be delegated to the Development Manager or Principal Planning Officer to grant planning permission subject to the completion of a s106 planning obligation agreement that secures the delivery of 10 affordable dwellings of an appropriate tenure (a minimum of 25% of which should be first homes), £138,089.35 contribution towards the provision of 3 infant and 4 junior places at Brailsford CE (Controlled) Primary School (and additional education facilities), £5613.30 to be used to upgrade or enhance existing children’s play facilities in the area and £1950.30 towards the delivery of allotments in the area or wider district and subject to conditions.</i></p> <p>UPDATE:</p> <p>Members will recall that this application was deferred at the 12th March Planning Committee for the following reason(s):</p> <p>“...to enable further consultation to take place with the Local Highway Authority, the Lead Local Flood Authority and Severn Trent Water on the acceptability of the proposals and in light of the representations received.”</p>

The revised comments for the relevant consultees are highlighted in bold within section 5 of this report. The remainder of the report is unchanged and presented in italics.

1.0 THE SITE AND SURROUNDINGS

- 1.1 *The application site comprises agricultural land, some 1.77ha in area at the northern edge of Brailsford, adjacent to the Settlement Development Boundary. The site adjoins the recent Cameron Homes development to the south, known as Acorn Meadows.*
- 1.2 *The application site encompasses an existing area of public space, including an attenuation basin serving the adjacent development. The site lies immediately to the east of the Luke Lane and Mercaston Lane road junction.*
- 1.3 *The western boundary is defined by a hedgerow running alongside Luke Lane. The northern boundary is defined by an established hedge, beyond which is Fiddlers Folly; a detached dwelling. The eastern boundary again comprises a hedge, containing two mature trees protected by Tree Preservation Orders. Beyond the eastern boundary is open countryside.*
- 1.4 *To the south west of the site is Brailsford Church of England Primary School. In the vicinity of the application site are a network of Public Rights of Way which link to surrounding areas such as Brailsford Green to the south-west, Commonsides to the west, Muggington to the north-east and Pools Heads to the south.*
- 1.5 *The development site includes a minor ridge line, which comprises a high point in the landscape.*

2.0 DETAILS OF THE APPLICATION

- 2.1 *Following pre-application discussions and a period of public consultation, full planning permission is sought for the construction of 33 dwellings on the site. This includes 10 affordable dwellings (30% of the total provision).*
- 2.2 *The dwellinghouses comprise a mix of a mainly two-storey semi detached and detached dwellinghouses. At the northern end of the site it is proposed to construct two detached 2-bedroomed dwellinghouses. A further bungalow in the north eastern corner was originally proposed, however, this was considered to be too prominent in views on the approach to the village and has been omitted in the amended plans received. To compensate for the loss of this bungalow / residential unit a larger detached dwelling on site has been replaced with a pair of semis on plots 3 and 4. This has resulted in the following revised mix of open market housing:*

No. of bedrooms	No. of dwellings
2	8
3	12
4	3

- 2.3 *The affordable dwellings are grouped and centrally positioned within the site. It is indicated that eight units will be affordable rent dwellings, comprising 4 no. one bed, 2 no. two bed and 2 no. three bed dwellings. All properties meet internal floor space standards set out in the Nationally Described Space Standards.*
- 2.4 *Access to the site will be off the existing estate road (Blackthorn Close), which links to Sycamore Way and then to Luke Lane. Footways extend through the site and along Luke Lane to provide access by foot to the services and facilities within the village. Each dwelling will have off street car parking. The 2 no., 3 no. and 4 no. bed dwellings will have a minimum of two spaces. Amended plans have been addressed, which alters the layout to address the comments received from the Local Highway Authority in respect of the original layout.*

- 2.5 *The proposed development will utilise and deliver 0.34ha of new public open space. This will comprise new areas along the western, northern and eastern boundaries, wrapping around the development. New tree planting around the periphery of the site and at the north eastern corner of the site is proposed. The two mature trees along the eastern boundary of the application site covered by Tree Preservation Orders (TPO) are to be retained and afforded protection. Amended plans have been received which realign the footpath in the northern corner so it is outside of the RPA of the trees to be retained.*
- 2.6 *The design of the dwellings will be consistent with the design of the houses on the adjoining development. The dwellings will be traditional in their appearance and detailing and will be faced in brick and tile. The development has been laid out so that the dwellings face outwards towards the site boundaries, with the main service roads internalised.*
- 2.7 *The application is accompanied by a Design and Access Statement, Transport Statement, Travel Plan, Flood Risk Assessment and Drainage Strategy, Ecological Assessment, Biodiversity Net Gain Strategy, Arboricultural Assessment, Tree Survey and Tree Schedule, Desktop Archaeological Statement, Landscape and Visual Assessment, Site Investigation, Affordable Housing Statement, Statement of Community Engagement and Climate Change Statement. These documents have been made available for examination and comment and circulated to consultees. They are referred to, where necessary, and pertinent in the officer appraisal section of this report.*



3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan 2017
 S1 Sustainable Development Principles
 S2 Settlement Hierarchy
 S4 Development within the Countryside
 S5 Strategic Housing Development
 S9 Rural Parishes Development Strategy
 S10 Local Infrastructure Provision and Developer Contributions
 PD1 Design and Place Making
 PD2 Protecting the Historic Environment
 PD3 Biodiversity and the Natural Environment
 PD5 Landscape Character
 PD6 Trees, Hedgerows and Woodlands
 PD7 Climate Change
 PD8 Flood Risk Management and Water Quality
 PD9 Pollution Control and Unstable Land
 HC1 Location of Housing Development
 HC4 Affordable Housing Provision
 HC11 Housing Mix and Type
 HC14 Open Space, Sports and Recreation Facilities
 HC15 Community Facilities and Services
 HC18 Provision of Public Transport Facilities
 HC19 Accessibility and Transport
 HC20 Managing Travel Demand
 HC21 Car Parking Standards
 EC1 New and Existing Employment Development
- 3.2 Adopted Brailsford Neighbourhood Plan 2021
 H1 Housing
 GSL1 Green and Open Spaces
 TMA1 Traffic Management and Accessibility
 LW1 Landscape and Wildlife
- 3.3 Other:
 The National Planning Policy Framework (NPPF) (2023)
 National Planning Practice Guidance (NPPG) 2024
 Climate Change Supplementary Planning Document (SPD) (2021)
 Developer Contributions SPD (2020)
 Landscape Character and Design SPD (2018)

4.0 RELEVANT PLANNING HISTORY:

16/00436/OUT	Outline application for residential development of up to 47 dwellings with associated access	PERC	18/08/2017
18/00711/REM	Approval of reserved matters for the erection of 47 dwellings (outline application 16/00436/OUT)	PERC	12/09/2018
19/00663/REM	Approval of reserved matters for the erection of 47 dwellings with revisions to site layout, a proposed additional turning area and alterations to house type 950 (Briar) (outline planning approval 16/00436/OUT and initial reserved matters approval 18/00711/REM)	PERC	17/09/2019

5.0 CONSULTATION RESPONSES

Comments on the Original Application

5.1 Parish Council:

The Parish Council registered the following objections:

- The proposed development site is outside the agreed and published settlement and development boundary.
- The site was ruled as unsuitable for development in Local Authority assessments undertaken for the current approved Local Plan.
- The proposed site access for an additional 33 homes is at a location opposite the primary school with access onto Luke Lane - a Lane used frequently by HGVs travelling to the local quarry/aggregate plant and just off a sharp bend leading onto Mercaston Lane. This was the site of a recent HGV accident. This access is already used by car owners from 47 new properties.
- The 'in estate' access would be along a relatively small estate road often narrowed by parked vehicles.
- Luke Lane has significant usage at most times of the day and is often congested with parked vehicles, especially at school opening and closing times making visibility difficult especially at the bend.
- Reports from residents suggest that the existing estate - Acorn Meadows - is already experiencing drainage issues. The village primary school is already at capacity with some children being transferred to neighbouring schools. It would be unable to accommodate additional children from a new development.
- A key village amenity - GP surgery - is under threat - meaning that new residents would have no direct access to health services.

5.2 Local Highway Authority:

General comments:

The refuse vehicle which has been tracked for the development, however it has not used the correct vehicle for this area, therefore the tracking should be redone using the Elite 6 refuse vehicle.

In accordance with paragraph 131 of the NPPF every street should be tree lined. The proposal does not include any street trees and therefore conflicts with the framework. The applicant is advised that all street trees should be located in the prospective highway.

Details of how the redundant turning head will be dealt with will need to be provided, this may involve alterations to any Section 38 agreements in place on the Blackthorn Close and what impact this will have on the visibility from the existing private drive, given it appears only a 1m margin is provided. The applicant should consider a raised table layout between the existing turning head to be removed and the next junction to the north to provide a speed treatment and pedestrian priority at the side roads. Visibility will also need to be demonstrated from proposed cul-de-sac off the Main Street with the splay lines contained within the prospective highway.

The vehicle access for plots 23 & 24 should be moved over to the end of the cul-de-sac to move the dropped kerb off the radius of the turning head, this will also require the parking spaces to be reconfigured.

Local evidence based on the 2011 census and following the parking requirements in the adopted local plan, shows car ownership in Brailsford for both 3 and 4 bedroom dwellings require 3 parking spaces as such the applicant needs to show additional external car parking spaces for those dwellings. Furthermore confirmation is needed that the parking spaces are 4.8m long x 2.4m wide with an additional 0.9m width based on the Homes for Life standard. Garages are not considered acceptable as parking spaces but can be used for cycle storage.

It is recommended that this application is not determined until the applicant has provided satisfactory revisions to the proposed drawings which address these matters.

Separate detailed comments have been received from the travel plans officer relating to the submitted Travel Plan. These give links to information and provide clarity on the scope of the plan.

5.3 Environment Agency:

The Environment Agency will not be making any formal comment on the submission for the following reason: -

The development falls within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the site. There are no other environmental constraints associated with the application site which fall within the remit of the Environment Agency.

UPDATE

Our original response is still applicable to this application.

We have reviewed the submitted documents and on this occasion the Environment Agency will not be making any formal comment on the submission for the following reason:

The development falls within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the site.

5.4 Trees and Landscape Officer (DDDC):

The site consists currently of an arable field devoid of trees on all but its boundaries. The boundaries include established mixed native hedgerow and 2 individual large oaks. The oaks contribute significantly to the character and appearance of the local landscape, with historic interest and significant amenity value. They are both subject to DDDC TPO. All existing hedgerows and both oak trees should be retained, appropriately protected from damage resulting from development and successfully incorporated into the proposed development for the long-term. The trees provide a diverse range of public benefits including ecological, visual, environmental and public health which must be retained and protected.

The current proposed site layout places development too close to both oak trees, necessitating change within and around their root protection areas and canopy spread. I object to this and suggest that the site layout be redesigned to remove all development and site activity from their root protection areas as a minimum. Preferably there should be a significant buffer containing no development at all well beyond (i.e. several metres) the drip line of the canopies, and the root protection areas, of these protected trees. They are relatively old trees and as such will be unlikely to be tolerant of disturbance to their rooting environment.

These trees have good potential to continue to develop into ancient or veteran trees which are considered to be irreplaceable habitat features. They already have some features of such trees. I disagree with the proposed pruning of the trees suggested in the Arboricultural Assessment report to remove deadwood from the trees. This provides valuable ecological benefit and should be retained. The site layout should be designed such that the area around the trees consists of open space with limited increase in land use intensity so that the potential risk presented by the deadwood, and the trees generally, is controlled in this way. There is the risk that any development within the vicinity of these TPO protected trees will put them at risk of future pressure to prune or remove them to address perceived or real risk of branch or whole tree failure into developed land. This must be avoided by designing the site layout to provide a significant buffer of undeveloped land around them. I recommend that further information is required to be submitted for approval pre-determination:

- 1. A redesigned site layout that addresses my comments above.*
- 2. A tree protection plan drawing to scale and with off-set distances between tree stems and temporary tree protection fencing clearly shown to aid correct setting out on site.*
- 3. Specification of temporary tree protection fencing and associated signage.*
- 4. A clearly set out sequence of events to indicate the timing of erection of the temporary tree protection fencing and its removal.*
- 5. A third tree is shown in the Tree Retention Plan in the hedgeline to the south of T1 though no details regarding this tree were included in the tree survey.*

This information should be submitted and the tree should be subject to similar protections as for the others. I recommend that further information is required to be submitted for approval to discharge conditions attached to any grant of planning consent:

- 1. A detailed site-specific Arboricultural Method Statement that demonstrates how any development works or site activity within the root protection areas and canopy spreads of retained trees and hedgerows would be completed without harm to the trees. However, it is very much preferred that all development and site activity to be moved well out of root protection areas completely. This is particularly important considering the high value and relative fragility of the 2 TPO oak trees at the site.*

5.5 Director of Housing:

I would make the following comments:

- 1. the proposed affordable homes are suitably located on the site*
- 2. the floor areas detailed go some way to meeting the Nationally Described Space standards. The 1 bed units are satisfactory. It would be good to see the 2 bed 4 person homes and 3 bed 5 person homes getting closer to 79m² and 93m² respectively.*
- 3. I'm assuming the 2 intermediate homes would be provided as First Homes.*

5.6 NHS Derby and Derbyshire Integrated Care Board / Joined up Care Derbyshire:

The development falls under our threshold for requesting a s106 contribution.

5.7 County Council Policy (Development Contributions):

Education Authority:

Primary Level

The proposed development falls within and directly relates to the normal area of Brailsford CE (Controlled) Primary School. The proposed development of 33 (discounting 4 one bed) dwellings would generate the need to provide for an additional 3 infant and 4 junior pupils.

Brailsford CE (Controlled) Primary School has a net capacity for 119 pupils, with 123 pupils currently on roll. The number of pupils on roll is projected to increase during the next five years to 134.

An evaluation of recently approved major residential developments within the normal area of Brailsford CE Primary School shows no new developments amounting to an additional primary pupils.

Secondary Level

The proposed development falls within and directly relates to the normal area of Queen Elizabeth School. The proposed development of 33 (discounting 4 one bed) dwellings would generate the need to provide for an additional 8 secondary including post 16 pupils.

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

An evaluation of recently approved major residential developments within the normal area of Queen Elizabeth School shows new development totalling 428 dwellings, amounting to an additional 120 secondary including post 16 pupils.

Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area secondary school would have sufficient capacity to accommodate the 8 secondary including post 16 pupils arising from the proposed development. Mitigation

Mitigation:

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 as follows:

- £138,089.35 towards the provision of 3 infant and 4 junior places at Brailsford CE (Controlled) Primary School + Education facilities.*

Public Health and Adult Social Care

The Older Adults Accommodation and Support strategy notes that in Derbyshire Dales, there is a need for age designated housing and that a focus on affordable accommodation is key. With regards to the above proposal, ASCH would like to note the following:

- The density seems very low: we note that a previous planning application was for 47 dwellings rather than the current proposed 33 dwellings.*
- Most of the market dwellings are greatly in excess of the suggested national space standards, whilst the affordable dwellings barely meet them. With the proposed density, we are concerned that this is neither an efficient nor equitable use of land.*
- Affordable housing for families is key to ensuring the sustainability of the domiciliary and residential care workforce, particularly in rural / semi-rural communities such as Brailsford. We would support more dwellings being included on the site, particularly affordable dwellings.*

- *The bungalow provision is limited to market accommodation and is bigger than some of the two-bed options; the one bed options are over two floors. We would welcome the one-bed dwellings being delivered as stacked bungalows, enabling accessibility to a wider variety of residents.*

We would request that all dwellings meet the UK government's nationally described space standards to 'create places that are safe, inclusive and accessible and which promote health and well-being, with high standards of amenity for existing and future users.

An advisory footnote to encourage high speed broadband infrastructure delivery and the County Council also point to the monitoring fees applicable in relation to any obligations secured through legal agreement.

The County Council have also provided detailed technical comments on the application, covering sustainable development; housing land provision and supply; landscape and visual impacts; impact on biodiversity; highways impacts; public rights of way; sustainable travel; community benefits.

5.8 Derbyshire Wildlife Trust

We have reviewed the Ecological Appraisal prepared by FPCR, March 2023 as well as reviewing supporting documents for the development. I have also checked the Trust's biodiversity datasets and the previous details of the adjacent application in relation to biodiversity matters.

The proposed development does not have any nature conservation designations associated with it. The habitats present are arable and improved grassland which are typically of lower biodiversity value. The site is bounded by hedgerows and some trees are also present. The hedgerows are of high biodiversity value and meet the definition for Habitats of Principal Importance.

It is noted that the EA states under section 1.5 and 5.7 that a separate Biodiversity Net Gain (BNG) exercise is being undertaken for the site. As far as I am aware the results of this work have not been submitted to the Council as part of the consultation. It is important that the development demonstrates that it can achieve a net gain for biodiversity and offset the loss of habitats currently on-site in accordance with Local Plan policy and the NPPF.

The application is also accompanied by a Habitat baseline map and a proposed habitat map. The proposed habitat map includes an area of land that was set aside as part of the adjacent Acorn Way development (16/00436/OUT and 18/00711/RES). This land appears on the Ecological Enhancement Measures map (Figure 1 8442-E-01A) prepared by FPCR. This map includes a reference to the northern area 'to be left undeveloped and continue to be managed as agricultural land'.

The issue we are concerned about is that the SUDS attenuation, tussocky grassland and pond have already been created as part of the Acorn Way development and cannot be included as part of any post development habitats for the current development. The information submitted with the current information is ambiguous in this point.

Great crested newt

Further surveys have been recommended for Great Crested Newt due to their presence in the area and the presence of suitable breeding ponds adjacent to the site. FPCR have also referred to the option of applying for District Level License (DLL).

Recommendations

The proposed development is unlikely to have a significant negative impact on biodiversity in terms of designated sites or habitats of very high value. However, hedgerows may be impacted and this will need to be addressed in full. In addition, there is loss of arable and grassland habitats, and this should be quantified as part of the Biodiversity Net Gain assessment being undertaken by FPCR.

We would expect to see a completed Biodiversity Metric for the site that sets out losses and post development habitat creation and enhancement. Any residual losses will need to be taken account of through off-site measures. As stated above we do not think that the existing SUDS attenuation area should be included in these calculations.

We are not aware of any further reports on great crested newt having been submitted to the Council at this time or of any decision to apply for DLL. Further information is required by the Council to establish the approach being taken by the applicant with regard to this protected species.

Other protected species issues can probably be addressed through suitable mitigation measures which can be captured within a Construction Environmental Management Plan (Biodiversity) should the application be approved.

The Ecological Appraisal that I have reviewed has been redacted for badger so I will need to see an unredacted copy and provide comments on this species. We will be happy to respond further once we have sight of the Biodiversity Net Gain assessment being prepared by FPCR, further information on Great Crested Newt and an unredacted copy of the EA.

5.9 Environmental Health (DDDC):

I have no objections in principle to this application, providing that the recommendations in the 2016 Geo Environmental report that “an intrusive investigation is completed before commencement of any development works to assess the actual contaminative status of the ground at the site”.

5.10 Lead Local Flood Authority (DCC):

We are unable to provide an informed comment until the following is provided:

- *An adjustment is made to the calculations to accommodate urban creep (10%)*

and clarification is provided on the following:

- *Upon review of the greenfield calculations included in the FRA, it was noted that UK SuDS produces much lower values for projected greenfield runoff rates – can the applicant confirm how they obtained their estimates, or adjust their strategy to account for the minimum discharge rate of 2l/s?*
- *We will also require confirmation that the Phase 1 drainage network can accommodate the extra discharge from the Phase 2 proposals. Urban creep 10% will still need to be accounted for in the new calculations.*

UPDATE

Below is a brief summary of the proposals for surface water management regarding planning application 23/00463/FUL:

- **The surface water from phase 2 will be discharged into the unnamed watercourse via the existing surface water sewer in the previously constructed development.**
- **The existing detention basin will be expanded to account for the additional volume of surface water from the proposed development and to limit the flows generated to the greenfield runoff rate of 6.5 l/s.**
- **For further information, please refer to the BSP Flood Risk Assessment and Drainage Strategy document. Reference: LLBR-BSP-ZZ-XX-RP-0001-P05-FRA_&_Drainage_Strategy as referenced in the recommended condition.**

Comments on the Application As Amended and Following Receipt of Additional Information

5.11 NHS Derby and Derbyshire Integrated Care Board / Joined up Care Derbyshire:

The development falls under our threshold for requesting a s106 contribution.

5.12 Environment Agency:

The Environment Agency will not be making any formal comment on the submission for the following reason: -

The development falls within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the site. There are no other environmental constraints associated with the application site which fall within the remit of the Environment Agency.

5.13 Brailsford and Ednaston Parish Council:

Object for the following reasons:

- *The proposed development site is outside the agreed and published settlement and development boundary.*
- *The site was ruled as unsuitable for development in Local Authority assessments undertaken for the current approved Local Plan.*
- *The proposed site access for an additional 33 homes is at a location opposite the primary school with access onto Luke Lane - a Lane used frequently by HGVs travelling to the local quarry/aggregate plant and just off a sharp bend leading onto Mercaston Lane. This was the site of a recent HGV accident. This access is already used by car owners from 47 new properties.*
- *The 'in estate' access would be along a relatively small estate road often narrowed by parked vehicles.*
- *Luke Lane has significant usage at most times of the day and is often congested with parked vehicles, especially at school opening and closing times making visibility difficult especially at the bend.*
- *Reports from residents suggest that the existing estate - Acorn Meadows - is already experiencing drainage issues.*
- *The village primary school is already at capacity with some children being transferred to neighbouring schools. It would be unable to accommodate additional children from a new development.*
- *A key village amenity - GP surgery - is under threat - meaning that new residents would have no direct access to health services.*

5.14 Environmental Health (DDDC):

Do not wish to comment further.

5.15 Local Highway Authority (DCC):

Comments made on the 7th February 2024:

The issues below have been raised directly with the applicants Transport Planner previously, however, do not appear to have been addressed within the amended details submitted.

- Refuse Tracking – I am not aware of the vehicle tracked on the southern development, however, the current vehicle used within Derbyshire Dales is the Elite 6, I have for your reference attached the specification and it is this vehicle which should be tracked.*
- Street Trees – A plan showing what trees will be provided will need to be submitted, I believe that there is opportunity to provide street trees within the existing layout in build outs without conflicting with access points, I have attached a rough sketch showing potentially how trees could be provided within the existing layout. The NPPF requires all street to be tree lined, so if the applicant is unable to do this there should be a clear explanation provided which will need to be considered by both the LPA and Highway Authority.*
- Turning Head – I appreciate what has been done on the western side and consider it should be replicated on the eastern side, whilst it can be cover within the S38/278 given it falls within the red line of this application site I would prefer for it to be shown within this application so it is clear what is intended.*

Again the rough sketch attached shows potentially how this could be laid out and the provision of a build out will also improve the visibility from the private drive and would remove the need to provide additional visibility splay details.

In addition to the above, in terms of the raised table shown, an alternative layout as shown on the rough sketch may be more acceptable with the introduction of tree and an implied pedestrian priority at the western cul-de-sac.

By way of explanation, we consider there is benefit of it having the pedestrian and vehicle at different levels as keeping them at the same level on a raised table reduces the perception of pedestrian priority.

I hope that you appreciate that the attached is just a sketch, a rough plan of ideas which we hope will help to make further improvements to the scheme. Travel Plan – given the scale of this development I would consider a welcome pack within all new homes to be acceptable and I would be happy for this to be covered by condition, this would prevent the need to condition the travel plan itself.

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

Please hold the application in abeyance until the above details have been addressed.

Following the submission of information to address the above the LHA made the following comments received on the 27th February 2024:

It is disappointing that the proposal hasn't provided street trees, given they could be accommodated within the current design and would enhance the street scene.

However, it is not considered that an objection could be sustained in this instance.

The applicant should be aware that the layout of this proposal will impact on the turning head of the previous development which will require the previous Section 38 to be altered to reflect this.

The junction between plots 02 and 15 will need to be altered to a side road pedestrian priority junction, I am happy for this to be conditioned.

Conditions and advisory footnotes are recommended.

5.16 County Council Policy (Development Contributions):

Confirm that their previous comments still stand.

5.17 **Severn Trent**

Public Sewers in Site – Required Protection

Due to a change in legislation on 1 October 2011, there may be former private sewers on the site which have transferred to the responsibility of Severn Trent Water Ltd, which are not shown on the statutory sewer records, but are located in your client's land. These sewers would also have protective strips that we will not allow to be built over. If such sewers are identified to be present on the site, please contact us for further guidance.

Foul Water Drainage

The proposed foul water sewer connection point shown, is a S104 sewer (at present not adopted by Severn Trent), for a connection into this sewer will require the full permission of the adjacent developer, who must ensure there is sufficient capacity to receive the flows. The nearest Severn Trent public sewer for a connection is m/h 5803 in the highway The Plain @ 0.5/s 2xdwf should be able to be accommodated from your proposed site into this sewer. Please be advised that a new / indirect connection to this sewer would be allowed subject to a formal S.106 sewer connection approval (see later)

Surface Water Drainage

Under the terms of Section H of the Building Regulations 2010, the disposal of surface water by means of soak ways should be considered as the primary method.

If following testing, it is demonstrated that soakaways would not be possible on the site; satisfactory evidence will need to be submitted from the SI consultant (extract or a supplementary letter).

If soak way is proven not possible then a connection to local S104 surface water network, again this will require the full permission of the adjacent developer to ensure there is sufficient capacity within the network, as the S104 surface water network outfalls to a local watercourse, there is no impact on any Severn Trent network, But flows will need to be checked with the LLFA and as indicated should be investigated flows at 5l/s greenfield rates. This would satisfy SGN1 (enclosed), in accordance with Derbyshire Council SUDS Policy as the Lead Local Flood Authority (LLFA) for the area and statutory consultee in the planning process. Please see the guidance notes attached for further information.

6.0 REPRESENTATIONS RECEIVED

6.1 46 items of representation have been received, including from CPRE and the Derbyshire Swift Conservation Project, 3 commenting and 43 objecting to the proposals. There comments can be summarised as follows:

Comments on the original application

Principle

- *Shouldn't be building on greenfield sites in the countryside when there are brownfield sites available in Derby.*
- *The village feel of Brailsford will be eroded.*
- *The current proposed layout of the site is significantly different in both layout and types of housing from the brochure produced by Cameron and distributed to residents of Acorn Meadows for their feedback back in March.*
- *A previous application by Cameron Homes on this site for 20 homes was refused and now they want to build 33.*
- *Further development is against the Local Development Plan for the village.*
- *We do not want our estate any bigger.*
- *We would not have bought our house if we knew there was a phase 2 coming.*
- *Cameron Homes do not finish off their jobs properly.*
- *The village has already had a big increase in housing.*
- *We know that it is in the interest of Derbyshire Dales and all councils to have as many houses as possible built in their areas to fill their coffers. It seems that this is regardless of the long-term effects on the individual communities and that they are, therefore, not really listening to or seriously considering the views and genuine concerns of those within the community.*
- *The residents of the village want it to remain a village.*
- *Brailsford's population has doubled in the last 10 years.*
- *Outside the Brailsford settlement boundary.*
- *Consultation with residents has been poor and inadequate.*
- *Brailsford has taken more than its fair share of new housing.*
- *The builders of the original site have contributed nothing to Brailsford.*
- *The Old Dairy site at the bottom of Luke Lane is still not fully sold and occupied. There is not demand for more housing in Brailsford.*
- *Planning permission for the residential development of this site has already been rejected.*
- *There are concerns over the general quality of the development with many residents having outstanding issues with existing properties.*
- *Existing urban areas should be prioritised for housing developments to maximise the efficient use of land resources.*
- *The current development was always marketed and sold as 'Acorn Meadows'. Not, 'Acorn Meadows phase 1' with all knowledge of further development by Cameron Homes being withheld from customers by their sales team.*
- *Should include bungalows for retirement downsizing.*

Landscape

- *The development has an urban design not suited for an area adjacent to wild countryside.*
- *Loss of views from neighbouring properties.*
- *Shows a lack of empathy and understanding of how the countryside works and their house designs, assumptions and plans are the same whether in cities or rural locations.*
- *Will destroy the village character, heritage, landscape and size.*
- *People choose to live in villages rather than small towns because they are characterful, intimate communities which appeal to many.*
- *Villages should not merely keep on growing until they become small towns.*
- *Will spoil the area.*

- *The site is good quality agricultural land in open countryside and should be preserved as such.*
- *The roofs of the new houses adjoining the proposed site that have already been built can be seen on the horizon from the footpath off North Lane.*
- *The proposed new development destroys the centuries old rural horizon landscape and is in breach of planning regulations.*
- *The site will blight the rural nature of the outlook for all the footpath users and residents of North Lane.*
- *The current landscaping arranged by Cameron homes is nothing but an area full of weeds, thistles and clover and a wildlife pond which is anything but.*

Highways

- *Increase in cars on the road leading to danger to primary school children crossing Luke Lane*
- *Extra vehicles entering and exiting onto a main HGV route*
- *Increase in traffic congestion.*
- *Major concerns about road traffic and safety.*
- *Luke lane is already busy with traffic.*
- *There is a slight bend and blind summit coming up Luke Lane which causes visibility issues on the road.*
- *Objections to access arrangements and additional traffic through the estate.*
- *The current plans for access will cut across existing trim trail and walkways. This will be dangerous for local children playing out.*
- *Access directly opposite the school will increase danger to pupils and road users at school pick up/drop off times with cars parked picking up children.*
- *Sycamore Way and Blackthorn Close are narrow and unsuitable for heavy traffic to and from the proposed site. It will cause damage to pavements and roads.*
- *At the moment children can quite safely play in the close, without parents being fearful of traffic.*
- *I believe that the width of Blackthorn Close is below the legal limit. The width of the road is 5.1 metres wide.*
- *Just last week a lorry went into a hedge to avoid an accident.*
- *The developers have failed to ensure the current residents adheres to the covenants in place. Namely satellite/aerial not being in view of estate roads and the parking of commercial vehicles on estate roads and driveways.*
- *Luke Lane is already a hazardous road with multiple entry/exit points within a very short stretch.*
- *Signage and road painting should be improved and speed cameras installed across from the school.*
- *The quality of the main road has deteriorated in the last 3+ years due to increased traffic and poor maintenance.*
- *Inadequate parking for people taking their children to school.*
- *Footpaths not wide enough.*
- *Highways department has not adopted the roads and Severn Trent has not adopted the Drainage or Sewerage systems.*
- *Speed and traffic along Luke Lane is a current problem.*

Sustainability and Infrastructure

- *No infrastructure for those with no cars*
- *The schools in the local area are full.*
- *GP surgery and pharmacy will not cope with additional people.*
- *We only have a small post office with limited supplies.*
- *Local children are already having to go to school in Derby as there are no school places available.*
- *Brailsford is very poorly serviced by public transport. There are no local taxis.*
- *Cycling along the A52 is dangerous.*

- *Walking along the footpath in some areas where it is narrow is dangerous.*
- *There is one bus per hour to Derby and one bus per hour to Ashbourne. Capacity maximum 60.*
- *There is uncertainty regarding the future of the GP surgery given that the management have handed their contract back to the ICB for re-procurement.*
- *There are scarce facilities in the village to support new residents e.g., retail or workplaces nearby, resulting in the fact that people will have to travel.*
- *Electric vehicle charging points are not readily available.*
- *The infrastructure cannot cope with the existing residents.*

Flooding and Drainage

- *Concerns about flooding if green fields are built on.*
- *Concerns about drainage plans being inadequate.*
- *Foul drains - the main site is overloaded due to 1960's 6 inch drains exacerbating flooding in the village.*
- *The sewage treatment plant on the golf course is over capacity.*
- *There has been no investment in the sewerage infrastructure in Brailsford despite the village already trebling in size.*
- *The developers have already failed to provide adequate drainage to the existing properties, where the gardens get flooded during heavy rainfall.*
- *Local power, water and drainage currently overloaded this will cause further issues.*
- *Existing surface drainage at Acorn Meadows is extremely poor due to the heavy ball type clays and poor profiling of the site leading to "low points" that are surrounded by higher ground.*
- *Most surfaces show compacted impenetrable underlying clay strata and little topsoil, this leads to rapid run off.*
- *Standing water on both hard and soft areas is common after only moderate rainfall.*
- *The sewage treatment plant on Brailsford Golf Course is over capacity and emits foul smells.*
- *The existing estate already gets waterlogged.*

Biodiversity

- *Concerns about the effects on wildlife and biodiversity*
- *The loss of more prime agricultural land must be avoided. Food production is more important now than ever.*
- *This area provides natural habitat for British wildlife which is within the 3rd largest declining population in the world.*
- *Migrating geese use this field to rest in and forage each year, there are nesting Curlew's in the wooded area bordering the proposed development.*
- *Claims around existing biodiversity are subjective as no evidence of a survey of existing diversity is provided.*
- *The development area is rich in wildlife.*
- *Adverse effect on the ecological balance of the area, and on conservation of the countryside environment.*
- *Many trees on the site already have preservation orders on them, and there is little doubt that much of the local flora and fauna would lose their habitat.*
- *Concerns about the large Oak trees on site.*
- *The ecosystem on the acorn meadows site is in a fragile state and this is concerning as more development could have tragic consequences.*
- *Irreversible damage to biodiversity.*
- *Disturbance to existing wildlife populations.*
- *Displacement of local wildlife.*
- *The proposed site is on prime high quality agricultural land that can be used either for agricultural purposes or re-wilded as natural habitat.*
- *There has been a serious lack of conservation and preservation by the builder Cameron Homes, limited tree/shrubs/wildflower planting and a non-existent*

attenuation pond, which has never been planted or developed to promote the return of the local wildlife.

Environment

- *Increase in traffic will lead to an increase in pollution.*
- *Carbon foot print is of major concern with new build, asphalt and concrete surfacing*
- *More homes will lead to light pollution.*
- *A climate change statement forms part of the planning application which is almost entirely generic and predominantly states existing statutory requirements.*
- *Concerns about the noise, pollution, and lorries during construction.*
- *The new houses should have solar panels and heat pumps.*

Comments on the amended scheme

Principle

- *Amendments were made AFTER the expiry date and therefore should not count.*
- *The amendments do not change any of my concerns and therefore are still valid.*
- *Cameron Homes have been devious in their pursual of this planning and tried to mislead and confuse by making minor changes to the plans and leaving the objecting residents confused by the process.*
- *As residents, we remain committed to opposing this development regardless of the minor changes that are being proposed.*
- *These aren't houses for local people.*
- *Concerns the application brings nothing to those that live in the village other than extra problems in the future.*

Landscape

- *The initial planning application which covered both the existing and proposed new development was declined due to the housing density being too high, limiting them to build only the existing development.*
- *Concerns about the impact a further development will have on the scenery and local wildlife.*
- *Concerns the development will affect tourism by taking away the attractiveness of the village and possible income streams for the few businesses located in Brailsford.*
- *Flooding is now a big problem too. The water that constantly run down the hill in the village towards the Rose and Crown is horrendous.*
- *On the first application for Cameron Homes the housing sizes were meant to be lower than the school opposite, clearly this has not been adhered to by the building company and not followed up by the council,*
- *The height of houses needs to be addressed.*

Highways

- *Is there a crossing planned for outside the school?*
- *There is no paved area on the side of the road outside the school- parents and children are forced to walk in the road, in the path of fast-moving lorries from the local quarry and other traffic- the council and Miller Homes have, to date, refused to pave the existing grass verge to enable safe passage into the school- can this please be resolved by the council and/or Miller homes prior to any further developments close to the school?*
- *Access to the proposed site still runs through what was built, and sold, as a "Close". The plan would entail ripping up the finished trim trail, pavement and banking to reach the higher land of the site.*
- *Adding to an already chaotic stretch of road around the school where industrial and agricultural traffic encounter the school run.*
- *Consideration must be given to families with young children walking, elderly and other members of the community.*

Sustainability and Infrastructure

- *the school has been full for some years now and any further house building in the local area would necessitate an extension to the school building in order to accommodate potential pupils. I assume section 108 money would fund this?*
- *Extending the school to accommodate the pupils who already live locally was considered by the council, when the situation first became apparent due to families moving into the recently developed land adjacent, opposite and close to the school by Cameron Homes, Miller homes and Avant - plans were shelved due to lack of funds.*
- *The most recent development by Cameron, opposite the school did not provide any section 106 money for Brailsford school – one questions the logic in this decision, as the school was already over capacity at the point Cameron started building.*
- *Can you offer assurances that you have considered the impact on the school and the safety of its pupils and families this time?*
- *Will you support the extension of the school to accommodate additional pupils from this new development and secure section 106 to fund it?*
- *The infrastructure in the village can not support the existing residents and has not benefitted from any investment from the two most recent developments.*
- *No facilities in the village to support new residents i.e., retail or work places nearby meaning people will have to use their vehicles on a daily basis.*
- *Concerns about a lack of reinvesting into the village by the council.*

Flooding and Drainage

- *The golf club are continually calling Severn Trent to sort out the drainage problem.*
- *Drainage companies are always getting called out to unblock the drains on the Acorn Meadows estate.*
- *The proposed extension to the attenuation area would be difficult to achieve without detriment to the present "open space", the wildlife pond(which does not appear on the new plan) and also to the young trees.*
- *Flooding is now a big problem too. The water that constantly run down the hill in the village towards the Rose and Crown is horrendous.*

Biodiversity

- *The lovely countryside on the edge of the village will be eroded effecting wildlife and the village feel of Brailsford.*

Environment

- *The carbon footprint is a major concern in this village due to the high volume of traffic passing through.*

The Representations from Derbyshire Swift Conservation Project request that a condition is imposed to ensure this development is built with up to 33 internal nest bricks (i.e. 1 brick per dwelling) designed for Swifts as a universal biodiversity enhancement for urban bird species and that photographic evidence of installation is made available upon completion.

7.0 OFFICER APPRAISAL

7.1 *Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission under the Act are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the purposes of the Act is the Adopted Derbyshire Dales Local Plan (2017) and the Adopted Brailsford Parish Neighbourhood Plan (2021).*

7.2 *Having regard to the above, consultation responses and representations received and the relevant provisions of the development plan and the National Planning Policy Framework (NPPF), the main issues to assess are listed below.*

- *Whether residential development on this site is acceptable in principle*
- *Landscape impact and impact upon the character and appearance of the area*
- *Transport and impact on highway safety*
- *Impact upon the amenity of neighbouring properties*
- *Sustainable building and climate change*
- *Flood risk and drainage*
- *Impact on trees and biodiversity*
- *Affordable housing, housing mix and developer contributions*

There are no known issues archaeological features or heritage assets within the site as confirmed in the submitted Archaeological Desk Based Assessment. The proposed development would not harm the significance/setting of nearby heritage assets, including Brailsford Conservation Area and a number of listed buildings located some distance to the south, beyond intervening development.

Whether residential development on this site is acceptable in principle

- 7.3 *The application site is not allocated for housing in the development plan and is located outside but on the edge of Brailsford. Policy S2 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. New development should be focused within the defined settlement boundary in accordance with their scale, role and function unless otherwise indicated in the Local Plan.*
- 7.4 *Outside of defined settlement boundaries policy S4 seeks to ensure that new development protects and, where possible, enhances the character and distinctiveness of the landscape, the historic and cultural environment and the setting of the Peak District National Park whilst also facilitating sustainable rural community needs, tourism and economic development.*
- 7.5 *The Council is unable to demonstrate a 5 year housing land supply at this time. In these circumstances policy S4 i) allows for residential development on non-allocated sites on the edge of defined settlement boundaries of first, second and third tier settlements.*
- 7.6 *The application site is located on the northern edge of the settlement, beyond housing allocation HC2(h) in the Adopted Derbyshire Dales Local Plan (2017). The development site will be, and adjoining development is served by footpaths and is within walking distance of the services and facilities within the village.*
- 7.7 *Having regard to the above, the principle of residential development on this site is in accordance with policies S2 and S4 i) of the Adopted Derbyshire Dales Local Plan (2017). However, for Brailsford policy S2 provides for reduced levels of development to safeguard, and where possible, improve their role consistent with maintaining or enhancing key environmental attributes.*
- 7.8 *Notwithstanding the provision for housing development on the edge of tier 1 – 3 settlements, in the circumstances where the Council cannot demonstrate a five-year supply of housing land to meet its objectively assessed housing needs, within the Adopted Derbyshire Dales Local Plan (2017) Paragraph 11d) of the National Planning Policy Framework (2023) states that in such circumstances the Local Planning Authority should grant planning permission for sustainable development unless:*

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

7.10 *The inability to demonstrate a five-year supply of housing land and the lack of provision for housing development in the Brailsford Neighbourhood Plan (2021) beyond the existing settlement framework boundary is such that a tilted balance in favour of the development is engaged.*

7.11 *Reference is made to the amount of development that has come forward in Brailsford over recent years and permission being previously refused for development on the site in the representations received. The spatial approach to housing development should seek to direct development towards the most sustainable locations to reduce the need to travel and promote sustainable communities. Brailsford is an accessible settlement with some facilities and specific provision is made for the expansion of such settlements in circumstances where the Council cannot demonstrate a five-year housing land supply in recognition of this. The erection of 33 dwellings on the site is considered to be an acceptable level of additional growth of the settlement on its northern side having regard to where the village sits in the settlement hierarchy, and would not generate a disproportionate number of additional journeys outside of the village. The omission of the site as part of the application to develop the land to the south was done so to prevent the unwarranted expansion and growth of the settlement at that time, given the advanced stage of the local plan and the housing allocations contained therein. Circumstances have clearly changed and the inability to meet the districts housing needs carries weight. As set out in the supporting Planning Statement that accompanies the application, the site was put forward as part of the Strategic Housing and Employment Lane Availability Assessment and was deemed developable based on the assessment criteria in 2022.*

7.12 *Notwithstanding the above and any tilted balance in favour of the development, it must be assessed against other relevant provisions of the development plan and against the policies in the National Planning Policy Framework taken as a whole.*

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

7.13 *Policy S1 states that development should conserve and where possible enhance the natural and historic environment, including settlements within the plan area. Policy PD1 requires all development to be of high-quality design that respects the character, identity and context of the Derbyshire Dale's townscapes and landscapes*

7.14 *Policy S4 s) states that permission will be granted for development where it does not undermine, either individually or cumulatively with existing or proposed development, the physical separation and open undeveloped character between nearby settlements either through contiguous extension to existing settlements or through development on isolated sites and land divorced from the settlement edge.*

7.15 *Policy PD5 deals specifically with landscape character and states that the Council will seek to protect, enhance and restore the landscape character of the area. This will be achieved by requiring that development has particular regard to maintaining landscape features, landscape character and the setting of the Peak District National Park. Development that would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement will be resisted.*

7.16 *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.

- 7.17 *Brailsford Neighbourhood Plan Policy LW1: Landscape and Wildlife* seeks that development proposals shall demonstrate appropriate regard for landscape sensitivities and designations and ensure that there is appropriate integration within the landscape by affording priority to the retention of existing features, particularly tree belts and hedgerows. New or replacement planting shall accord with the character of the setting.
- 7.18 The submitted Landscape and Visual Impact Assessment (LVIA) recognises that the site was assessed to be of High sensitivity in the District Council's Landscape Sensitivity Study 2015. The LVIA maintains, however, that the context has altered since this study was completed due to considerable development to the west of Brailsford. In paragraph 7.3 the LVIA asserts that the application site is 'agricultural with urbanising influences from the adjacent development at Acorn Meadows and Brailsford Primary School' and subsequently the Landscape Value of the site is assessed as Medium.
- 7.19 Officers agree with the applicant that views of the site are restricted from the south and southwest as a result of the sites proximity to the settlement edge, the local landform and intervening vegetation. Longer distance views are available from the north and northeast as a result of the sites elevated position resulting in views of the site on the approach to the village. The design and layout of the proposed development has given careful consideration to minimise the impact of the development and amended plans have been received which omit a bungalow at the north eastern corner of the site. The retention of the protected trees and additional planting in this area and around the periphery of the site will help filter views of the development on the approach to the village and when viewed from the north and will provide a strong settlement edge / boundary. The density of the development is also reflective of the village fringe location of the site and the layout and scale of the dwellings would not result in the dwellings being unduly prominent in the landscape. Taking the above into consideration, the development would not result in any unacceptable long-term landscape or visual effects that would be detrimental to the landscape and character and appearance of the area.
- 7.20 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) requires that development contributes positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials, and the relationship to adjacent buildings and landscape features. Policy H1 of the Brailsford Neighbourhood Plan contains similar provisions. It requires that the design of new development demonstrates an understanding of and attention to the village environment, its rural location and its history and addresses the relationship of the new to the existing built village form, in terms of enclosure and definition of street and spaces, including degree of set back; the height scale, density and use of materials with the new to ensure that it complements existing character and integration with the surroundings by linking to existing paths and cycleways amongst other considerations.
- 7.21 The applicant is accompanied by a Design and Access Statement which considers the impact of the development on its surroundings and wider context. The Statement recognises that Brailsford is a small settlement that has witnessed a gradual transition of architectural styles over the years and that a common theme throughout the village is the use of cottage style windows and chimneys, providing a rural feel to the settlement.
- 7.22 The proposed development seeks to integrate with the existing Acorn Meadows development, being a second phase to the scheme. The scheme has also taken into consideration existing links with a view to enhance and incorporate these within the layout to encourage residents to walk to access local services and amenities.

- 7.23 *The site layout maximises views out towards open countryside. It is outward facing and less dense on the fringes and of a scale on the ridge line that would respond positively to the village fringe location of the site and its interface with the countryside. Dual aspect dwellings are positioned at key focal points and junctions within the site. The continuation of the building designs, materials and scale of development at Acorn Meadows will ensure a strong and coherent identity.*
- 7.24 *The design, layout and scale of development would it is considered respond positively to the character, identity and context of this part of Brailsford and would satisfy the relevant provisions of policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) and Policy H1 of the Brailsford Neighbourhood Plan (2021) in this respect.*

Transport and impact on highway safety

- 7.25 *Policies S1, S4 r) and HC19 require development proposals to demonstrate that they can be safely accessed in a sustainable manner. Proposals should minimise the need to travel, particularly by unsustainable modes of transport and help deliver the priorities of the Derbyshire Local Transport Plan. Policy TMA1 encourages development proposals to provide for safe access to surrounding community facilities, an additional pelican crossing at the statutory distance from Luke Lane junction and a new pedestrian crossing on Luke Lane to provide safer access to the school and additional funding for public transport services within the parish. From the representations received, concerns have been raised with regard to traffic, congestion and the dangers presented by further development to pedestrians and highway users.*
- 7.26 *Access to the proposed development will be from the estate road serving Acorn Meadows. It is proposed to continue the existing cul-de-sac, Blackthorn Close. This will be the single point of vehicular access into the site, off which will be a new cul-de-sac spur.*
- 7.27 *A Transport Statement has been submitted with this application. The Transport Statement finds that a development of up to 35 dwellings is expected to generate 24 and 23 two-way vehicle trips in the AM and PM network peak periods respectively. This equates to approximately one new vehicle trip every three minutes in both the AM and PM peak periods. It finds that this level of trip generation would not have a detrimental impact on the safe and efficient operation of the local highway network.*
- 7.28 *The predicted increase in traffic during the network peak hours is demonstrated to not be significant, with a capacity assessment of both the Sycamore Way/Luke Lane and Luke Lane/Main Road (A52) junctions identifying 43 that there is to be minimal queuing during the 2026 and 2033 future years with the proposed development in full operation. Both junctions are suitable to accommodate the forecast demand from the proposed development with no significant cumulative impact along the local highway network.*
- 7.29 *Following concerns raised by the Local Highway Authority, revised swept-path analysis and internal visibility assessment and geometric plans have been submitted to demonstrate that all vehicles can access, manoeuvre and egress the site in a safe and convenient manner.*
- 7.30 *With regard to parking provision Policy HC21 of the Adopted Derbyshire Dales Local Plan (2017) Vehicular parking for new development should be provided having regard to adopted standards, as set out in Appendix 2 of this Local Plan, or where the developer can adequately justify their own parking provision with evidence accompanying any planning application. All dwellings will be served by off-street car parking spaces. The two, three and four bedroomed dwellings will have a minimum of two parking spaces. Cycle parking will also be provided for each dwelling and 7kW Electric Vehicle Charging (EVC) points will be*

provided to all dwellings. This constitutes appropriate provision to meet the requirements of Policy HC21.

7.31 In their consultation comments the Local Highway Authority has expressed some disappointment with regard to the lack of street trees. The Local Planning Authority has determined that they would prefer to see landscaping addressed elsewhere in the scheme and is satisfied that this can be conditioned accordingly, for the following reasons:

- Tree lined streets are not a characteristic of phase 1. The addition of street trees in phase 2 would therefore appear incongruous with phase 1.
- The planting strategy for phase 2 is already proposing significant tree planting within the POS along the northern boundary and also along the eastern boundary. This is to create an effective landscape buffer between the urban edge and countryside further to the north and east. Note a core part of the strategy is to re-establish the tree belt along the eastern boundary.
- The site already lies in a semi-rural context on the edge of Brailsford which is already characterised by surrounding trees and hedgerows. This is not high-density urban environment which would benefit from the addition of street trees.

7.32 Paragraph 136 of the National Planning Policy Framework (2023) states that decisions should ensure that new streets are tree-lined unless, in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate. The above reasons are considered to clear and justifiable in this case. The focus for tree planting should be on create a strong settlement edge and minimising the impact of the development on the landscape.

7.33 Taking the above into consideration, the development would not result in an adverse impact upon the safety or operation of the local road network and the proposals would be in accordance with national policy and Policies PD1, HC19 and HC21 of the Adopted Derbyshire Dales Local Plan (2017) and Policy H1 of the Brailsford Neighbourhood Plan (2021).

Impact upon the amenity of neighbouring properties

7.34 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) 'Design and Place Making' requires that development achieves a satisfactory relationship to adjacent development and does not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.

7.35 The application site is located immediately to the north of the existing Cameron Homes development. New development would however sit beyond the attenuation basin / area of open space and trim trail. The scale of the dwellings, their orientation and separation distance between new and existing properties is such that the development would not result in any unacceptable overbearing or overshadowing effects or loss of privacy.

7.36 The development would result in some impact in terms of noise and disturbance during construction. However, this is the case with any development and could be satisfactorily controlled subject to planning conditions to control hours of construction works, construction compound and parking and wheel cleaning facilities.

7.37 Subject to conditions the development could be accommodated on site without significant harm to the amenity of neighbouring properties or occupants of the development in accordance with policies S1 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

Sustainable building and climate change

7.38 Policies S1 and PD7 state that the Council will promote a development strategy that seeks to mitigate the impacts of climate change and respects our environmental limits by: requiring new development to be designed to contribute to achieving national targets to reduce greenhouse emissions by using land-form, layout, building orientation, planting, massing and landscaping to reduce energy consumption; supporting generation of energy from renewable or low-carbon sources; promoting sustainable design and construction techniques, securing energy efficiency through building design; supporting a sustainable pattern of development; water efficiency and sustainable waste management.

7.39 A climate change statement has been submitted with the application. In addition to meeting building regulation requirements in respect of conservation of fuel and power and being served by a sustainable urban drainage system, the development will make the following contributions:

- Make efficient use of the site whilst recognising local character and context
- Provide cycle parking / storage for each dwelling
- 7kW Electric Vehicle Charging (EVC) points will be provided to all dwellings
- Prioritisation of sustainable travel – providing good cycle and pedestrian links to the services and facilities in the village.
- Each home will be provided with a Travel Pack (to help deliver the objectives of the Travel Plan).
- Dwellings have been designed with appropriate orientation and windows to ensure solar gain and to maximise the prospect of using solar PV panels.
- Locally sources sustainable materials will be utilised where possible.
- Climate resilient building materials will be used.
- Prefabricated trussed rafter roofs (modular build) will be explored.
- Water efficiency measures will meet building regulations Part G as a minimum.
- Each home will have a high-speed internet connection and be capable of accommodating a desk of at least 1.8m.
- Each home will have good levels of daylight and will meet Part O of the building regulations re. ventilation.

7.40 The applicant has agreed to a condition to submit a scheme which seeks to mitigate the effects of and adapt to climate change, which includes the above as a minimum prior to works commencing on the superstructure of the approved dwellings.

7.41 The site is sustainably located in terms of distance from the village and availability of public transport. The application demonstrates that with a condition the development can be delivered in a manner that would help reduce carbon emissions and energy consumption thereby mitigating the impacts of climate change in accordance with policies S1 and PD7 of the Adopted Derbyshire Dales Local Plan (2017). .

Flood risk and drainage

7.42 The site is located within Flood Zone 1 which is described as land having a less than 1 in 1,000 annual probability of river or sea flooding. The site is therefore at low risk from flooding. The application is for major development and a Flood Risk Assessment (FRA) and drainage strategy has been submitted with application, which has been revised to address the comments received from the LLFA

7.43 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. Policy H1 of the Brailsford Neighbourhood Plan (2021) also requires that mitigation of flooding should be an integral part of the design and layout.

- 7.44 The application proposes that surface water discharge to a watercourse via the existing sewers in Phase 1. These sewers are currently on a maintenance period before adoption by STW. The network will be a gravity network. It is proposed that the Hydro-Brake in the Phase 1 control chamber be increased from 16 l/s to 6.5 l/s. This increase will allow for the greenfield run-off from the application site. This will require the existing hydro-brake to be replaced with a new one.
- 7.45 The system has been designed to accommodate a 1 in 100 year + 40% climate change storm event and has accommodated an additional 10% urban creep requirement. The current storage basin is not large enough for additional surcharged water. It is proposed that the basin volume be increased from 519.65m³ to 673m³.
- 7.46 Foul water will connect to the STW sewer assets in the adjacent development. This would mitigate risk of pollution of the water environment in accordance with policy PD9.
- 7.47 The drainage strategy advises that the main foul and surface water drainage serving the development will be adopted by STW under a s104 agreement and they will maintain these features for the lifetime of the development. The attenuation basin is to be managed by the residents management company responsible for maintaining the public open space.
- 7.48 The revised drainage system has been designed to address the comments of the LLFA. It is anticipated that final comments from the LLFA and any recommended conditions will be reported to the committee with the late representations. Based on the information submitted officers are satisfied that the proposals would not lead to flooding on the site or elsewhere or result in the pollution of the environment. The applicant will need to secure approval from STW to connect to their network as part of the building regulations process. Subject to conditions the application does demonstrate that the development can be accommodated on site in accordance with policies S1, PD8 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

Impact on trees and biodiversity

- 7.49 Two Protected trees and hedges surrounding the site are affected by the development. Policies S1 and PD3 state that the Council will seek to protect, manage and where possible enhance the biodiversity and geological resources of the area by ensuring that development will not result in harm to biodiversity or geodiversity interests and by taking account of a hierarchy of protected sites. This will be achieved by conserving designated sites and protected species and encouraging development to include measures to contribute positively to overall biodiversity and ensure that there is a net overall gain to biodiversity. Policy PD6 advises that trees, hedgerows, orchards or woodland of value should be retained and integrated within development wherever possible. Where their loss is justified replacement provision will be required utilising indigenous tree species and hedgerows that are in sympathy with the locality and the site and, as a minimum, of equivalent value to the trees and hedgerows to be lost. Policy LW1 requires development proposals to integrate into the landscape by prioritising retention of existing features, particularly tree belts, copses and hedgerows and where required replacement planting.
- 7.50 An Arboricultural Assessment, which includes within it a Arboricultural Impact Assessment has been submitted with the application. The application has since been further amended to remove a bungalow and to realign the footpath in the northern so that it sits outside of the

RPA of the mature trees. Additional tree planting is proposed to help filter views for the development from the wider landscape / countryside beyond the site. A condition is necessary to ensure appropriate protection of the retained trees during construction. The development would retain important landscape features and enhance existing landscaping on site, thereby complying with the requirements of Policy PD6 of the Adopted Derbyshire Dales Local Plan (2017).

- 7.51 The application is supported by an Ecological Appraisal and Biodiversity Metric. Whilst this application was made before day one of the mandatory 10% BNG requirement on 12 February 2024, it does seek to deliver a measurable net gain in accordance with national policy and Adopted Derbyshire Dales Local Plan (2017) Policy PD3. Using metric 3.1 the development delivers a 26.83% gain in habitat units and 25.79% gain in hedgerow units, based on the existing baseline value. The site is dominated by arable land with a small area of improved grassland which is of limited conservation value. The proposed habitat plan seeks to introduce trees and deliver modified and other neutral grassland and mixed scrub in the POS areas surrounding the development to enhance biodiversity. Policy GSL1: Green and Open Spaces of the Brailsford Neighbourhood Plan (2021) seeks in the second part of the policy that housing developments that include new open spaces should provide for variety and sensitivity to the local landscape i.e. managed grass space, wildflower habitats, community gardens and children's play areas. The proposals would meet with this requirement.
- 7.52 Following receipt of the comments from Derbyshire Wildlife Trust survey work in on ponds within 250m of the site have been carried out. No great crested newts were recorded. This species and other protected species are not considered to pose a constraint to the proposed development. It is anticipated that final comments from Derbyshire Wildlife Trust to confirm that they have no objections and any recommended conditions will be reported to the committee with the late representations.
- 7.53 If permission is granted a planning condition to secure a Landscape and Biodiversity Enhancement and Management Plan (LBEMP) would be recommended. Subject to condition and on the basis of the information submitted it has been demonstrated that the development can be accommodated on site in accordance with policies S1 and PD3 of the Adopted Derbyshire Dales Local Plan (2017).

Affordable housing, housing mix and developer contributions

- 7.54 Policy S10 states that suitable arrangements will be put in place to improve infrastructure, services and community facilities, where necessary when considering new development, including providing for health and social care facilities, in particular supporting the proposals that help to deliver the Derbyshire Health and Wellbeing Strategy and other improvements to support local Clinical Commissioning Groups (CCG) and facilitating enhancements to the capacity of education, training and learning establishments throughout the Plan Area.
- 7.55 The development falls below the threshold for a contribution to be sought by the Integrated Care Board (formerly the CCG). The Education Authority has stated that they require a £138,089.35 contribution towards the provision of 3 infant and 4 junior places at Brailsford CE (Controlled) Primary School (and additional education facilities). If permission is granted it will be necessary to secure this contribution through prior entry into a planning obligation to meet the infrastructure demands deriving from the development.
- 7.56 In order to address the significant need for affordable housing across the Local Plan area, policy HC4 of the Adopted Derbyshire Dales Local Plan (2017) requires that all residential developments of 11 dwellings or more or with a combined floor space of more than 1000 square metres provide 30% of the net dwellings as affordable housing. In accordance with paragraph 62 of the National Planning Policy Framework, affordable housing is expected to

be delivered on-site unless off-site provision or a financial contribution in lieu can be robustly justified, and the agreed approach contributes to the objective of creating mixed and balanced communities. The application proposes to meet this policy requirement by providing 10 affordable dwellings on site. This amounts to 30.3%. The submitted plans indicates that 8 no. of these will be in the form of social rent and 2 no. in the form of intermediate housing. This is acceptable in accordance with the requirements of Policy HC4. The ministerial statement published on the 24th May 2021 and planning practice guidance requires that a minimum of 25% of all affordable housing units secured through developer contributions should be First Homes. It is expected that First Homes (and the mechanism securing the discount in perpetuity) will be secured through section 106 planning obligations. It is therefore recommended that an affordable housing scheme is secured which shall deliver a minimum of 25% of the affordable dwellings as first homes and the remaining amount as affordable rented properties as part of any legal agreement. The applicant has agreed to this provision.

7.57 Policy HC11 of the Adopted Derbyshire Dales Local Plan (2017) prescribes a housing mix to meet the Council's housing needs and to create a sustainable, balanced and inclusive communities. Brailsford Neighbourhood Plan policy H1 requires local housing requirements to be met, particularly for 2 and 3 bedroom affordable homes and bungalows. The application proposes that the dwellings will comprise 1, 2, 3 and 4 bedroomed dwellings. The overall mix of housing is as follows:

No. of bedrooms	No. of dwellings
1	4 (12.1%)
2	12 (36.4%)
3	14 (42.4%)
4	3 (9.1%)

7.58 The proposed mix closely aligns with the policy requirement for both market and affordable dwellings and will provide a diverse range of housing sizes and types to address the housing needs of the district. The development is therefore considered to comply with the requirements of Policy HC11.

7.59 Policy HC14 requires new residential developments of 11 dwellings or more to provide or contribute towards public open space and sports facilities. Policy GSL1 requires developments to provide for a variety of open spaces sensitive the local landscape. The Adopted Supplementary Planning Document (SPD) on Developer Contributions dated February 2020 supersedes the table in policy HC14 as it is based on the updated study from January 2018. This 2018 study concluded that whilst the quantity and quality of open space and recreation facilities across the District are in most cases sufficient the following deficiencies were identified as likely to occur by 2033.

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

7.60 Given that the towns and villages across the Plan area are set in natural surroundings generally with ready access to the countryside, the SPD advises that developer contributions for Amenity Green Space and Semi/Natural Green Space will not be sought. The application does not make provision for children's play and it is not practical to deliver a small number of allotments on the site. In this rural location natural greenspace would be more appropriate than formal parks and gardens, as they would reflect the character of the area and bring biodiversity benefits. The site is also within a 10 minute walk of the park and recreation

ground off The Plain and the adjacent development includes a trim trail to encourage walking. The following off site contributions towards open space are therefore considered to be appropriate and reasonably related in scale and kind to the development being applied for, having regard to the formula contained within the SPD.

Childrens Play – 33 x £170.10 = £5613.30 (to be used to upgrade or enhance existing facilities)

Allotments – 33 x £59.10 = £1950.30 (to deliver allotments in the area or wider district)

7.61 Subject to the prior entry into a planning obligation to secure affordable housing provision and development contributions for education and open space the application does demonstrate that the development is in accordance with policies S10, HC4, HC11 and HC14 of the Adopted Derbyshire Dales Local Plan (2017) and GSL1 of the Brailsford Neighbourhood Plan (2021).

The Planning Balance

7.62 Paragraph 11d) of the National Planning Policy Framework (2023) states that in such circumstances the Local Planning Authority should grant planning permission for sustainable development unless:

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

7.63 The inability to demonstrate a five-year supply of housing land and the lack of provision for housing development in the Brailsford Neighbourhood Plan (2021) beyond the existing settlement framework boundary is such that a tilted balance in favour of the development is engaged.

7.64 The erection of 33 dwellings on the site is considered to be an acceptable level of growth having regard to the nature of the settlement and its services and facilities and would not generate a disproportionate number of additional journeys outside of the village. With the retention of the mature protected trees and the additional landscaping proposed the development, in terms of its layout and scale of the dwellings can be accommodated within the landscape without harm to its character or the character, identity and context of this part of the settlement. The design, form and layout of the development has been carefully considered to reflect the adjacent development and would ensure successful place making. The development will deliver significant gains for biodiversity, will not result in unacceptable impacts on highway safety or severe impacts on the road network. Subject to no objections being received from Derbyshire Wildlife Trust or the Lead Local Flood Authority, it has been satisfactorily demonstrated that there would be no adverse impacts on protected species and that the site can be appropriately drained without having any adverse effects on the environment or presenting flood risks. The development will help meet the districts housing needs and bring with it associated economic and social benefits, deliver a policy compliant level of affordable and diverse mix of housing to meet differing needs within the community. The development can be safely accessed, will be accessible to the services, facilities and public transport links within the village and will include measures to help mitigate the effects of and adapt to climate change.

7.65 There are no adverse impacts associated with granting permission that would significantly and demonstrably outweigh the benefits in this case and it is recommended that the application be approved on this basis.

8.0 RECOMMENDATION

That authority be delegated to the Development Manager or Principal Planning Officer to grant planning permission subject to the completion of a s106 planning obligation agreement that secures the delivery of 10 affordable dwellings of an appropriate tenure (a minimum of 25% of which should be first homes), £138,089.35 contribution towards the provision of 3 infant and 4 junior places at Brailsford CE (Controlled) Primary School (and additional education facilities), £5613.30 to be used to upgrade or enhance existing children's play facilities in the area and £1950.30 towards the delivery of allotments in the area or wider district and subject to the following conditions:

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

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

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

- *Site Location Plan – 2328-01*
- *Proposed Site Layout – 2328-03-U*
- *Materials Plan – 2328-04 Rev E*
- *Storey Heights Plan – 2328-05 Rev E*
- *Boundary Treatments Plan – 2328-06 Rev E*
- *Landscape Masterplan – FPCR-XX-XX-DR-L-0001 P03*
- *House Types:*
 - o *Housetype 535 – H-1-535-RURAL*
 - o *Housetype 761 – H-2-761-RURAL*
 - o *Housetype 920 – H-3-920-RURAL*
 - o *Housetype Annesley – H-2-783-ANNESLEY-RURAL*
 - o *Housetype Barton – H-2-838-BARTON-RURAL*
 - o *Housetype Chapman – H-3-1009-CHAPMAN-RURAL*
 - o *Housetype Godwin – H-4-1327-GODWIN-RURAL*
 - o *Housetype Denver – H-3-1383-DENVER-FORMAL 1*
 - o *Housetype Heywood – H-4-1425-HEYWOOD-RURAL*
 - o *Housetype Birch – reference TBC*
- *FRA and Drainage Strategy – LLBR-BSP-XX-XX-D-C-0190 P04*
- *Design and Access Statement, prepared by White Ridge*
- *Transport Statement, prepared by Rappor*
- *Refuse Tracking Plan 220855-TP-4102 P03*
- *Fire Tender Tracking Plan 220855-TP-4101 P03*
- *Estate Car Tracking Plan 220855-TP-4100 P03*
- *Internal Visibility Assessment and Geometric Plan 220855-TP-3200 P03*
- *Travel Plan, prepared by Rappor*
- *Flood Risk Assessment and Drainage Strategy, prepared by BSP*
- *Ecological Appraisal Rev A Dated December 2023, prepared by FPCR*
- *Proposed Habitat Enhancement Plan*
- *Baseline Habitat Plan*
- *BNG Metric*
- *Arboricultural Assessment, Tree Survey and Tree Schedule, prepared by FPCR •*
- *Desktop Archaeological Statement, prepared by Cgms*
- *Landscape and Visual Assessment, prepared by FPCR*
- *Site Investigation – prepared by asl*
- *Affordable Housing Statement – prepared by Evolve Planning*

- *Statement of Community Engagement – prepared by Evolve Planning*
- *Climate Change Statement, prepared by Evolve Planning*

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

3. *Prior to commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:*

- *Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);*
- *Advisory routes for construction traffic;*
- *Any temporary access to the site;*
- *Locations for loading/unloading and storage of plant, waste and construction materials;*
- *Method of preventing mud and dust being carried onto the highway;*
- *Arrangements for turning vehicles;*
- *Arrangements to receive abnormal loads or unusually large vehicles;*
- *Highway Condition survey;*
- *Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.*

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development in accordance with the requirements of Policies S4 and HC19 of the Adopted Derbyshire Dales Local Plan (2017) and TMA1 of Brailsford Neighbourhood Plan (2021).

4. *The Development hereby approved shall not be occupied until the access, parking and turning facilities that individual building to the nearest public highway has been provided as shown on drawing 2328-03.*

Reason: To ensure adequate access, manoeuvring and parking space to comply with Policies S4, HC19 and HC21 of the Adopted Derbyshire Dales Local Plan (2017) and TMA1 of Brailsford Neighbourhood Plan (2021).

5. *Notwithstanding the submitted details the cul de sac junction between plots 02 and 15 shall be provided as a side road pedestrian priority junction in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority.*

Reason: In the interest of highway safety in accordance with the aims of Policies S4, HC19 and HC21 of the Adopted Derbyshire Dales Local Plan (2017) and TMA1 of Brailsford Neighbourhood Plan (2021).

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

Reason: To promote sustainable travel and healthy communities in accordance with the aims of Policy HC20 of the Adopted Derbyshire Dales Local Plan (2017).

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

Reason: To reduce vehicle movements and promote sustainable access in accordance with the aims of Policy HC20 of the Adopted Derbyshire Dales Local Plan (2017).

- 8. 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. bsp Consulting. (07/03/2024). Flood Risk Assessment and Drainage Strategy. Ref: LLBR-BSP-ZZ-XX-RP-C-0001-P05_FRA_&_Drainage_Strategy**

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.

- 9. 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.

- 10. No works shall commence on the footings of the approved dwellings until details of finished floor levels and ground levels throughout the site have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out than in accordance with the approved details.*

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

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

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

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

shall take place within the fenced areas.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19. An integral swift nest box plan for the selection, siting, positioning and installation of integral swift nest boxes, such as swift bricks incorporated within the external walls of the dwellings hereby approved, should be submitted to, and approved in writing by, the local planning authority.

The integral swift nest box plan should be prepared in accordance with the requirements of BS 42021 or equivalent best practice guidance and should identify, as a minimum:

- a) the type and number of integral nest boxes to be installed;*
- b) the specific buildings on the development into which boxes are to be installed, shown on appropriate scale drawings;*
- c) the location on each building where boxes are to be installed, shown on appropriate building plans and elevations.*

A statement of compliance including photographs shall be submitted to the Local Planning Authority prior to first occupation of the dwellings, demonstrating that the boxes have been selected and installed in accordance with BS42021.

The integral nest box plan should be implemented in accordance with the approved details and all boxes shall be retained in that manner thereafter.

Reason: To safeguard wildlife and the biodiversity on site in accordance with the requirements of Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

NOTES TO APPLICANT

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

The Local Planning Authority prior to and during the consideration of the application engaged in a positive and proactive dialogue with the applicant which resulted in the submission of amended drawings to minimise the impact of the development on the landscape and protected trees.

The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £43.00 per householder request and £145.00 per request in any other case. The fee must be paid when the request is made and cannot be required retrospectively.

Highway Matters

1. *The development hereby approved includes the construction of new highway. To be considered for adoption and ongoing maintenance at the public expense it must be constructed to the Highway Authority's standards and terms for the phasing of the development. You are advised that you must enter into a highway agreement*

under Section 38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980.

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

You will be required to pay fees to cover the Councils cost's in undertaking the following actions:

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

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

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

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

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

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

The CMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.

Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties.

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

Drainage Matters

- A. The County Council does not adopt any SuDS schemes at present (although may consider ones which are served by highway drainage only). As such, it should be confirmed prior to commencement of works who will be responsible for SuDS maintenance/management once the development is completed.**
- B. Any works in or nearby an ordinary watercourse may require consent under the Land Drainage Act (1991) from the County Council. For further advice, or to make an application please contact Flood.Team@derbyshire.gov.uk.**

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

Surface Water Management for Developed Sites' (to be agreed with the LLFA).

- **Production of a plan showing above ground flood pathways (where relevant) for events in excess of the 1% probability annual rainfall event, to ensure exceedance routes can be safely managed.**
- **A plan detailing the impermeable area attributed to each drainage asset (pipes, swales, etc), attenuation basins/balancing ponds are to be treated as an impermeable area.**

Peak Flow Control

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

Volume Control

- **For greenfield developments, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hour 1% probability annual rainfall event must not exceed the greenfield runoff volume for the same event.**
- **For developments which have been previously developed, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hour 1% probability annual rainfall event must be constrained to a value as close as is reasonably practicable to the greenfield runoff volume for the same event, but must not exceed the runoff volume for the development site prior to redevelopment for that event. Note:- If the greenfield run-off for a site is calculated at less than 2 l/s, then a minimum of 2 l/s could be used (subject to approval from the LLFA).**
- **Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional.**
- **Where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning signage should be provided to inform of its presence. Cellular storage and infiltration systems should not be positioned within the highway.**
- **Guidance on flood pathways can be found in BS EN 752.**
- **The Greenfield runoff rate which is to be used for assessing the requirements for limiting discharge flow rates and attenuation storage for a site should be calculated for the whole development area (paved and pervious surfaces - houses, gardens, roads, and other open space) that is within the area served by the drainage network, whatever the size of the site and type of drainage system. Significant green areas such as recreation parks, general public open space, etc., which are not served by the drainage system and do not play a part in the runoff management for the site, and which can be assumed to have a runoff**

response which is similar to that prior to the development taking place, may be excluded from the greenfield analysis.

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

- **Ground percolation tests to BRE 365.**
- **Ground water levels records. Minimum 1m clearance from maximum seasonal groundwater level to base of infiltration compound. This should include assessment of relevant groundwater borehole records, maps and on-site monitoring in wells.**
- **Soil / rock descriptions in accordance with BS EN ISO 14688-1:2002 or BS EN ISO 14689- 1:2003.**
- **Volume design calculations to 1% probability annual rainfall event + 40% climate change standard. An appropriate factor of safety should be applied to the design in accordance with CIRIA C753 – Table 25.2.**
- **Location plans indicating position (soakaways serving more than one property must be located in an accessible position for maintenance). Soakaways should not be used within 5m of buildings or the highway or any other structure.**
- **Drawing details including sizes and material.**
- **Details of a sedimentation chamber (silt trap) upstream of the inlet should be included. Soakaway detailed design guidance is given in CIRIA Report 753, CIRIA Report 156 and BRE Digest 365.**

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

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

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