



# Planning Committee 13<sup>th</sup> August 2024

<b>APPLICATION NUMBER</b>		24/00471/FUL	
<b>SITE ADDRESS:</b>		Land To West Of Orchard View, Marston Montgomery, Derbyshire	
<b>DESCRIPTION OF DEVELOPMENT</b>		Erection of 2 no. dwellinghouses	
<b>CASE OFFICER</b>	Chelsea Johnston	<b>APPLICANT</b>	C/o Agent
<b>PARISH/TOWN</b>	Marston Montgomery	<b>AGENT</b>	Mr Andrew Stock
<b>WARD MEMBER(S)</b>	Cllr Susan Bull	<b>DETERMINATION TARGET</b>	12.08.2024
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	Number of objections received exceeds Delegated threshold.	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	For Members to appreciate the site and context.

## MATERIAL PLANNING ISSUES

- Whether the development is acceptable in principle
- Impact on the character and appearance of the local area
- Impact upon amenity
- Impact upon highway safety

## RECOMMENDATION

That the application be refused for the reasons set out in the report.

## 1. THE SITE AND SURROUNDINGS

- 1.1 The application site is located to the west of Orchard View extending approximately 2.55 and is accessed directly off Thurvaston Road through the recently completed development. The site is currently in agricultural use and is located within the countryside towards the northern end of Marston Montgomery village.
- 1.2 Marston Montgomery public right of way 29 runs through the northern extent of the site.
- 1.3 The site lies adjacent to the recently completed Orchard View development (18/00686/FUL) which consists of 7 dwellings to the west, open countryside to the north and west and a further recently completed development (ref 16/00099/FUL) to the south, consisting of 9 dwellings, new community hall, provision of multi-use games area.



## 2. DETAILS OF THE APPLICATION

- 2.1 Full planning permission is sought for the erection of two dwellings along with associated vehicular access, landscaping and all associated site works. 3 no. off-street parking spaces is proposed per dwellinghouse.
- 2.2 The proposed site plan consists of two individual plots (plot 1 and plot 2) consisting of a two storey and half storey 'L' shaped dwelling house with an integral garage. Both dwellings would be of traditional red brick and plain tile construction. A kitchen/dining area, living room and study is provided within the ground floors, with 3x bedrooms located within the first floors and a further bedroom in second floors.
- 2.3 The applicants supporting information describes the development as being of quasi-agricultural form with the proposed layout carefully designed to create a physical relationship between the existing quasi-agricultural farm grouping at Orchard View and the proposed development.

2.4 The planning application is accompanied by the following information:

- Site Location Plan;
- Existing Site Plan;
- Site Boundary Plan;
- Proposed Site Plan;
- Proposed Plot 1 Layout Floor Plans;
- Proposed Plot 1 Layout Elevations;
- Proposed Plot 2 Layout Floor Plans; and
- Proposed Plot 2 Layout Elevations
- Aerial Image Plot 1
- Aerial Image Plot 2
- Design and Access Statement, prepared by Planning & Design Practice Ltd
- Preliminary Ecological Appraisal Report, prepared by Elton Ecology Ltd ; and
- Biodiversity Net Gain Report, prepared by Elton Ecology Ltd

### **3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK**

3.1 Adopted Derbyshire Dales Local Plan 2017

S1 Sustainable Development Principles  
S2 Settlement Hierarchy  
S4 Development within the Countryside  
PD1 Design and Place Making  
PD3 Biodiversity and the Natural Environment  
PD5 Landscape Character  
PD6 Trees, Hedgerows and Woodlands  
PD7 Climate Change  
HC19 Accessibility and Transport  
HC21 Car Parking Standards

3.2 The National Planning Policy Framework

3.3 National Planning Practice Guide

### **4.0 RELEVANT PLANNING HISTORY:**

None

### **5.0 CONSULTATION RESPONSES**

#### Town Council

5.1 The parish council object to this planning application. This application adds 2 houses to an existing development of 7 houses, and maintains access for further developments beyond these through provision of access routes. The original application for the site, reference 17/00985/OUT, was for 25 houses, and was objected to and withdrawn. The reasons for rejection at that time continue to apply now in that the scale of the total development and the mix of housing types are unsuitable for a Tier 4 village with very few amenities or public transport.

The original objection applies whether the site is developed in one go, or in stages. It is evident that multiple incremental developments are being undertaken, despite the nature of the original objections. As a side point, the parish council also notes a number of errors in

the application in that it describes the land as "East of Orchard View" when it is West, and accessed from Old School Meadows, when the access is from Orchard View.

#### Local Highway Authority

- 5.2 Based Derbyshire County Council, the Highway Authority acting in its role as Statutory Consultee has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Highways Development Management Manager on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order, 2015.

The proposal is for two additional dwellings to be served from Orchard View and not Old School Meadows as states in the D&A statement. Orchard View is an unadopted highway and I would not wish to raise any objections to an additional two dwellings being served from it. The following condition should be attached to any consent granted.

The Development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on drawing 3962-004.

Reason: To ensure conformity with submitted details

#### DDDC Trees and Landscape Officer.

- 5.3 The site is not within a conservation area and no trees on the site or nearby are currently subject to Tree Preservation Order. A substantial mixed native hedgerow extends along the length of the site's southern boundary. This hedgerow represents a valuable arboricultural feature that contributes to the character and appearance of the landscape as a historic field boundary. It should be retained, integrated into the proposed development and protected from harm throughout the development process.

I recommend that the applicant should submit for approval information to allow the LPA to be fully informed regarding potential impact to trees and hedgerows resulting from the proposals. This should be in the form of an Arboricultural Impact Assessment to include a specification for protection of retained trees and hedgerows during development. All to be prepared according to guidelines provided by BS 5837:2012 Trees in Relation to Design, Demolition and Construction to Construction – Recommendations

#### Derbyshire Wildlife Trust

- 5.4 They have reviewed the Preliminary Ecological Appraisal (PEA) Report V1 (Elton Ecology, June 2024), Biodiversity Net Gain Report (Elton Ecology, June 2024) and the Statutory Biodiversity Metric (Elton Ecology, 2024)

#### *Habitats and Species*

- 5.5 The Biodiversity Net Gain Report states that the site has been previously cleared. This is also evident on aerial mapping, which indicates that habitats were lost / degraded through activities relating to the adjacent development. Site photos in the reports indicate that it has revegetated somewhat and modified grassland now dominates the site. A small area of mixed scrub and a native boundary hedgerow were also recorded during the site survey. The native hedgerow is a Priority Habitat but does not qualify as 'important' under the Hedgerow Regs 1997. Most habitats will be lost to facilitate the development, except the native boundary hedgerow. Further comments are made on the site clearance in the BNG section of this letter.

They are disappointed to see that no data consultation was carried out with the local biological record centre to obtain data on protected species and locally designated sites.

The requirement to consult local record centres and not rely solely on open access data is set out in both the Guidelines for Preliminary Ecological Appraisal, 2nd edition (CIEEM, 2017) and Guidelines for Accessing, Using and Sharing Biodiversity Data in the UK (CIEEM, 2023). In this instance however, there are no records pertinent to the application which would alter the current assessment.

Whilst protected species constraints are considered relatively limited at this site and could be mitigated for through best practice working methods, great crested newts (GCN) have been confirmed as a receptor for works.

The PEA states that four ponds are present within 250 m. Only Ponds 1 and 3 could be sampled for GCN eDNA and presence was confirmed in both ponds. Whilst Ponds 2, 3 and 4 are separated from the site by Thurstaston Road and other dwellings, Pond 1 is immediately adjacent to the western boundary. The terrestrial habitat on site was considered to offer suitable foraging, sheltering and hibernation habitat for amphibians. In addition, another pond is highlighted on our database, on the southern side of Old School Meadows Road, less than 50 m from the application area. The Trust do not know if this pond is still present.

The GCN Rapid Risk Assessment Tool predicts that proposals are 'likely to result in an offence' under the legislation that protects GCN. This is due to the area of land that will be affected in such close proximity to a confirmed GCN pond. This result is produced, even if disturbance to individual GCN can be avoided through the use of Reasonable Avoidance Measures. It should be taken into consideration that the size of the population of GCN using the pond is unknown, as presence has only been confirmed using eDNA. Given that the pond appears to be an attenuation pond constructed in association with one of the adjacent developments, it has been colonised in recent years by GCN, indicating that they are present in the local landscape. Furthermore, the wider area around the application site has a high density of ponds indicating that a large metapopulation could easily be present.

Given that a) works will take place immediately adjacent to a GCN pond, impacting core GCN habitat and b) it is possible, if not likely, that individual GCN will be encountered during supervised clearance on site, we consider that it would be reasonable to register the site under either a low impact GCN class licence or District Level Licensing. Reasonable Avoidance Measures could then also be secured via condition, however the destruction of core habitat and moving individual GCN out of the footprint of works would then be legalised and prevent further delays down the line.

## **BNG**

- 5.6 The baseline habitats used in the metric are based on those present prior to site clearance and state that the site was dominated by modified grassland in poor condition. We have reviewed the previous ecological reports submitted with applications 17/00985/OUT and 18/00686/FUL, which include the survey results for these fields from 2017 and 2018. These confirm that the field comprised improved / modified grassland. A length of species-rich native hedgerow has also been removed and is reflected in the metric.
- 5.7 A net gain of +0.06 (14.51%) habitat units and +0.23 (42.86%) hedgerow units are proposed. The net gain is attributed to the creation of gardens and a species-rich native hedgerow on site and the creation of mixed scrub and enhancement of modified grassland offsite, on land adjacent to the application site. Whilst this appears reasonable in terms of % gains predicted, we would query whether much meaningful ecological gain will be achieved through improving the condition of modified grassland from poor to good. There is also some uncertainty over whether the original onsite modified grassland was in poor condition. Best practice typically suggests that the precautionary principle is adopted and that cleared baseline habitat should be recorded in higher condition to ensure true net gains.

Furthermore, the area of offsite grassland to be enhanced is part of a larger field and has no clear boundary, indicating that future management and monitoring could be problematic.

- 5.8 It is requested that consideration is given to whether any further improvements could be made to the proposed offsite habitat enhancements to ensure meaningful net gain is achieved? Could the entirety of that field be managed as a higher quality grassland to provide some real biodiversity benefit to the local area? The details of the offsite enhancements will require securing via appropriate legal agreement and a Habitat Management and Monitoring Plan should be secured via condition. Given the limited extent of onsite habitat creation, they advise that these onsite measures could be secured through an appropriately detailed Landscape Plan and management specification.
- 5.9 Sufficient information has been submitted to determine the application and the following conditions are advised:

#### GCN Licence

The preferred licensing approach should be confirmed by the applicant and their ecologist and appropriate wording can then be provided.

#### Reasonable Avoidance Measures

The development shall not commence until a Method Statement outlining Reasonable Avoidance Measures (RAMs) has been submitted to and approved in writing by the Local Planning Authority. The Method Statement should detail a precautionary method of working during the site clearance, ground disturbance and other development activities which have the potential to harm, kill or trap species of amphibians, reptiles, mammals or breeding birds and should be in accordance with B.S. 42020:2013 Biodiversity – Code of Practice for Planning and Development. It should also set out the requirement for a toolbox talk, times when an Ecological Clerk of Works (ECoW) is needed to be present on site, and any seasonal timings for all species potentially present on site, including nesting birds. The works shall be carried out in accordance with the approved Statement.

#### Lighting

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

#### Habitat Management and Monitoring Plan

A Habitat Management and Monitoring Plan (HMMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. This shall identify the habitats to be retained, created and / or enhanced on the offsite land and specify the appropriate management prescriptions to secure the predicted condition targets, as per the approved biodiversity metric for the application. The HMMP shall also set out a monitoring schedule to ensure targets are met and remedial actions to take if not. Guidance on producing a HMMP can be found here: <https://www.gov.uk/guidance/creating-a-habitat-management-and-monitoring-plan-forbiodiversity-net-gain>

#### Species Enhancements

One integral universal nest brick and one integral bat box shall be incorporated in each dwelling. Bat bricks should favour southern elevations, whilst nest bricks should avoid southern elevations. Bricks / boxes shall be installed at eaves level or on a gable end. Photographic evidence should be submitted to the LPA of these features in situ to discharge the condition.

### Environmental Health

- 5.10 No objections in principle to the proposed development subject to conditions on the final siting of the ASHP's should be agreed with the local planning authority and information on noise and the impact on neighbouring properties and a standard construction hours condition.

#### *Restriction of hours of operation*

No machinery or plant shall be operated, no process shall be carried out and no deliveries taken at, received, or dispatched from the site except between the hours 08.00 - 18.00 Monday to Friday, 08.00 - 13.00 on Saturday and at no time on Sundays, Bank or Public Holidays. in order to protect the amenity of the locality, especially for people living and/or working nearby.

### Environment Agency

- 5.11 The proposed development will be acceptable if the following measure(s) are implemented and secured by way of a planning condition on any planning permission.

#### Condition

The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul and surface water has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved. The foul sewer, if available, is the preferred option for the disposal of foul water and the applicant should make contact with the sewage company regarding this.

#### Reason(s)

The Humber river basin management plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. Without this condition, the impact could cause deterioration of Marston Brook water body because it would result in the release of priority hazardous substances, ie sewage.

### DDDC Landscape and Trees Officer

- 5.12 The site is not within a conservation area and no trees on the site or nearby are currently subject to Tree Preservation Order. A substantial mixed native hedgerow extends along the length of the site's southern boundary. This hedgerow represents a valuable arboricultural feature that contributes to the character and appearance of the landscape as a historic field boundary. It should be retained, integrated into the proposed development and protected from harm throughout the development process. It is recommended that the applicant should submit for approval information to allow the LPA to be fully informed regarding potential impact to trees and hedgerows resulting from the proposals. This should be in the form of an Arboricultural Impact Assessment to include a specification for protection of retained trees and hedgerows during development. All to be prepared according to guidelines provided by BS 5837:2012 Trees in Relation to Design, Demolition and Construction to Construction – Recommendations

## 6.0 REPRESENTATIONS RECEIVED

6.1 Seven of representation have been received to date and are summarised below.

### Principle of Development

- Marston Montgomery is a tier 4 village, which has already with 3 new significant developments in the recent years more than contributed to local housing needs, and with very few local amenities and transport, such that all developments need to be accessed by cars of which the roads are not suitably sized to accommodate.
- Our village is at great risk of being ruined by over-development, for which it does not have the facilities, infrastructure or necessary access.
- Policy HC1 requires developments to re-use of land, redevelopment, conversion of other sites etc. This proposal does not do any of these – it uses green fields that are currently part of the natural countryside setting surrounding the village.
- Given Marston Montgomery's low ranking as a "small village with very limited access to services and facilities," further development of two additional properties should not be approved. The village only has a small pub, a very small school, and a church, and cannot support further development.
- Proportion of village growth - The continuous developments have already increased the village size by over 50% in the past 10 years, which is unsustainable for a village currently comprising 92 dwellings.
- The proposed site is outside the main settlement boundary and is neither infill nor consolidation nor brownfield. It is greenfield agricultural land extending into the countryside.

### Planning History

- The original application of 25 Houses was objected and later withdrawn under 17/00985/OUT. The council later allowed 7 dwellings to be built in its place under 18/00686/FUL with P/D Rights Removed
- the planning application which adds a further two large houses and outbuildings to the existing and recent development of 7 houses, and also maintains access for further developments beyond these through provision of access routes.

### Highways and Pedestrian Safety

- There is no public transport to the village so any increase in housing requires a further burden on local narrow and single track roads
- The development (and possible future expansion using the planned internal access road) will increase congestion, pollution and further increase the risk to safety of residents. Increased risk of congestion and danger on the roads to pedestrians and vehicles
- The roads in and out of Marston Montgomery are narrow, mostly single-lane, with limited passing places. Approving more dwellings would exacerbate the hazardous conditions for us residents. Thurvaston Road, in particular, is a narrow, single-track lane, and our driveway, along with our neighbours', has become a passing place for a road that cannot handle the current volume of traffic, especially during busy times. The village relies entirely on cars for transportation due to the lack of bus services, making the roads notably more dangerous for families with children who walk around.

### Impact on Biodiversity

- The development is detrimental to the environment as it uses green field with ancient hedgerows which currently support a range of wildlife.

### Residential Amenity

- Adding to my own objections my window at the side of the house will not have any privacy with the houses being built opposite Those owners will be able to see into both bedrooms.



I would also point out that the dwellings are far too big and will cut out light in the morning to the current houses present (Old School Meadows)

#### Other Matters

- There are a number of errors and misleading statements in this new application in that it describes the land as East of Orchard View, when it is West of it, and also states the access to this new proposed development is via Old School Meadows, which would be impossible when it is clearly intended to be through the original development, Orchard View.
- Should it be the case that the applicant / owner is the same as the developer (Marston Fields Limited) who constructed the first phase of Orchard View then, as a continuation of the Orchard View development a Section 106 should now be required for the overall development. The Council should obtain legal confirmation of ownership here

## **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).

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
- Highway Safety

#### Principle of Development

7.3 Marston Montgomery is designated as a Tier 4 settlement defined as 'Accessible Settlement with Minimal Facilities' within Policy S2 of the Adopted Derbyshire Dales Local Plan (2017). Tier 4 settlements are identified as settlements with a very limited range of employment, services and facilities. Small villages have a low level of services and facilities and few employment opportunities. Development will therefore be limited to that needed to help maintain existing services and facilities and to meet the housing needs of the settlement. As such there is some limited scope for development within these settlements. In all cases, development should be commensurate with the scale and function of the settlement, can be accommodated through infill and consolidation of the existing built framework of the settlement or are well related to the existing pattern of development and surrounding land uses and would not lead to prominent intrusion into the countryside.

7.4 The District Council cannot currently demonstrate a five-year housing land supply going forward and therefore regard has to be given to Paragraph 11 of the National Planning Policy Framework (2023). This advises that in such circumstances, there is a weighted balance towards the provision of residential development subject to other material considerations. As the application site is in a settlement with no defined settlement development boundary, Policy S4 (Development in the Countryside) is relevant.

7.5 As a five-year housing land supply cannot be demonstrated going forward, paragraph (i) the Policy advises in that development may be acceptable on the edge of Tier 1-3 settlements in such cases. However, as advised above, Marston Montgomery is a less sustainable, Tier

4 settlement. Nevertheless, in accordance with Policy S2, infill development in the village would be policy compliant subject to other material considerations which are principally considered to relate to the impact of the development on the character and appearance of the area and matters of amenity.

### The Planning Balance

- 7.6 The Council is unable to demonstrate a 5-year housing land supply at this time. In these circumstances, Paragraph 11 of the NPPF states that 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.
- 7.7 The development would result in a visual change to the site and the development would lead to the prominent intrusion into the countryside.
- 7.8 It is acknowledged that the Council are unable to demonstrate the supply of housing sites as required by the Framework with paragraph 11 engaged which states that there is a presumption in favour of sustainable development unless, amongst other things, the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed.
- 7.9 Substantial weight is attached to the benefits of increasing the supply of housing in meeting local need and reference is made to the amount of development that has come forward in Marston Montgomery over recent years. Whilst mindful of the above, the development would warrant a prominent intrusion into the countryside and given the small scale of the development, the economic, social, and environmental benefits would be limited.
- 7.10 In this case, the adverse impacts of granting planning permission would, significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The proposed scheme would not therefore be sustainable development for which the presumption in favour applies.

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

- 7.11 A key consideration in respect of this application is the impact of the development on the local landscape and character, identity and setting of the existing settlement.
- 7.12 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.
- 7.13 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.
- 7.14 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

feature and landscape. 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.

- 7.15 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.
- 7.16 The application site adjoins open countryside on its western and northern boundaries and is currently undeveloped agricultural land. It is important to point out that the site forms part of the site boundary originally submitted under application 17/00985/OUT for the demolition of existing buildings and erection of 25 no. dwellings. This application was withdrawn and a revised application 18/00686/FUL was subsequently approved for 7 dwellings. It was approved on the basis that it formed part of a redundant farm group and that the development was laid out and designed to appear as a former farm group. The Committee Report acknowledged that there would be some encroachment into a neighbouring field to the west but considered the modest encroachment acceptable as the bulk of development was focused on the part of the site that was already developed.
- 7.17 This application thus extends further west, well beyond the original farm grouping, and is considered to be a significant encroachment into the countryside. The site is undeveloped agricultural land therefore the addition of 2 dwellings does not respond positively to the former use of the site nor does it complement the landscape character.

#### Highway Safety

- 7.18 It is noted that concerns have been raised by Local Residents regarding the highway safety implications of the proposed development.
- 7.19 The proposed dwellings would be served from Orchard View and not Old School Meadows as stated within the Design and Access Statement. The Local Highways Authority have confirmed they have no objection to the development. The proposed development includes 3 vehicular parking spaces which is considered to be in accordance with policy HC21 of the Adopted Derbyshire Dales Local Plan (2017).
- 7.20 Subject to conditions as set out in the consultations response received from the Local Highway Authority, the proposed development is not considered to result in any adverse highway safety impacts and would provide sufficient vehicular parking. The development would be in accordance with policy HC19 of the Adopted Derbyshire Dales Local Plan (2017) in this regard.

#### Residential Amenity

- 7.21 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) requires development proposals to achieve a satisfactory relationship with adjacent development and not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.
- 7.22 It is considered that there would be sufficient distances and screening from the proposed development to nearby dwellings to avoid any overbearing or overshadowing impact between them.
- 7.23 The development would be accessed via the existing access off Thurvaston Road. Additional vehicle traffic would not harm the amenity of occupants of existing properties along Thurvaston Road and Old School Meadows. There may be additional vehicle traffic

and disturbance during construction, however this would be for a limited period and would not constitute a reason for refusal of planning permission subject to appropriate working hours as requested by Environmental Health Officers.

7.24 The development is considered to maintain a satisfactory relationship with surrounding developments and would be in accordance with policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

#### Climate Change

7.25 Policy PD7 of the Adopted Derbyshire Dales Local Plan (2017) states that the District Council will seek to mitigate global warming, adapt to climate change and respect our environmental limits. The District Council also have an Adopted Climate Change SPD which provides guidance on the implementation of policy PD7 structured around the following objectives:

- Securing enhanced green infrastructure
- Managing drainage, flood risk and conserving water
- Using less energy, increasing energy efficiency and promoting renewable energy
- Reducing the need to travel and promoting sustainable transport
- Improving building design and layout to meet the objectives

7.26 The Design and Access Statement confirms that the dwellings would incorporate a sustainable approach to energy conservation both through the design and construction process. Solar PV panels would provide the majority of the electricity for the dwellinghouses. Primary heating would also be provided by an Air Source Heat pump system.

#### Other Matters

7.27 The application is accompanied with a Preliminary Ecological Appraisal and a Biodiversity Net Gain Report. Derbyshire Wildlife Trust concludes sufficient information has been submitted to determine the application. No objection has been raised, subject to conditions.

7.28 A number of representations have been received regarding several inaccuracies within the application documents. In several instances the Design and Access Statement states that the development will be access via Old School Meadows. It is clear from the site plan that the development would be accessed from the existing access of Thurvaston Road.

## **8.0 RECOMMENDATION**

That planning permission be refused for the following reasons:

1. The proposal would result in an unwarranted and incongruous form of development that would fail to preserve or enhance the character and appearance of this edge of settlement location. It is considered that whilst the level of harm would not be substantial that this harm is not outweighed by public benefits to be derived from the provision of 2 dwellings to seek to address the District Council's inability to demonstrate a five year housing land supply going forward, as such, the proposals are contrary to the aims of Policies S1, S4, PD1, and PD5 of the Adopted Derbyshire Dales Local Plan (2017) and government guidance contained in the National Planning Policy Framework.

## **9.0 NOTES TO APPLICANT:**

The Local Planning Authority considered the merits of the submitted application and judged that there was no prospect of resolving the fundamental planning problems with it through negotiation. On this basis the requirement to engage in a positive and proactive manner was considered to be best served by the Local Planning Authority issuing a decision on the application at the earliest opportunity and thereby allowing the applicant to exercise their right to appeal.

This decision notice relates to the following plans and documents:

- Site Location Plan;
- Existing Site Plan;
- Site Boundary Plan;
- Proposed Site Plan;
- Proposed Plot 1 Layout Floor Plans;
- Proposed Plot 1 Layout Elevations;
- Proposed Plot 2 Layout Floor Plans; and
- Proposed Plot 2 Layout Elevations
- Aerial Image Plot 1
- Aerial Image Plot 2
- Design and Access Statement, prepared by Planning & Design Practice Ltd
- Preliminary Ecological Appraisal Report, prepared by Elton Ecology Ltd ; and
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