



Planning Committee 13th August 2024

APPLICATION NUMBER		23/01206/FUL	
SITE ADDRESS:		Ivy House Farm, Main Road, Wyaston, Derbyshire, DE6 2DR	
DESCRIPTION OF DEVELOPMENT		Erection of 4no. dwellinghouses and associated garages with demolition of existing dwellinghouse and outbuildings	
CASE OFFICER	Mr. G. A. Griffiths	APPLICANT	Unicus Homes Ltd
PARISH	Edlaston and Wyaston	AGENT	Bi Design Architecture Ltd
WARD MEMBERS	Cllr. R. Archer Cllr. A. Bates Cllr. N. Wilton	DETERMINATION TARGET	12 th January 2024
REASON FOR DETERMINATION BY COMMITTEE	In excess of two dwellings in Fifth Tier settlement	REASON FOR SITE VISIT (IF APPLICABLE)	To assess the proposals in their context

MATERIAL PLANNING ISSUES

- Principle of the development
- Impact on heritage assets and the character and appearance of the area
- Highway matters
- Impact on amenity
- Trees and landscaping
- Ecology and biodiversity
- Drainage
- Climate change

RECOMMENDATION

That authority be delegated to the Development Manager or Principal Planning Officer to grant planning permission, subject to conditions detailed in section 8.

Update

The application was presented to committee on the 11th June 2024. A resolution was subsequently made to defer the application and request the Applicant to supply a report from an independent drainage consultant, with full consultation to take place with the Lead Local Flood Authority and Severn Trent Water.

The Applicant has provided a subsequent drainage strategy report by SA Consulting. This report is based on three ground infiltration tests. Severn Trent Water have confirmed (18th July 2024) that they will accept the 2.5l/s surface water discharge into their sewers. The LLFA did not provide comments in response to the drainage strategy report. In the event comments are received, these will be presented in late representations or verbally to the committee. Any updates to the report are in bold below.

1. THE SITE AND SURROUNDINGS

1.1 *The application site is located to the north-west of the junction between Orchard Lane and Main Street in the village of Wyaston. The site currently contains a former farmhouse and associated buildings. The site is set between residential properties, with further residential properties on the opposite side of Main Street. To the rear (west), the site is bounded by a wooded area.*



2. DETAILS OF THE APPLICATION

2.1 *Full planning permission is sought for the demolition of a traditional dwelling and associated farmstead buildings and the erection of four dwelling houses. Plots 1, 2 and 3 are proposed to have an open plan living room/dining room/kitchen, lounge, study, utility, wc and hallway on the ground floor, with four bedrooms (one ensuite) and a bathroom on the first floor. Plot 4 is proposed to have similar rooms to the above, but with five bedrooms (two ensuite).*

- 2.2 *In terms of appearance, Plot 1 is proposed to have a roughly L-shape form when viewed from the road, albeit there is proposed to be two gable projections to the rear. Plot 2 is proposed to be square fronted with a porch and the upper windows being gablets. Plot 3 is proposed to reflect on Plot 2 but to also have a catslide roof projection with dormer window to the front elevation. Plot 4 is proposed as a 'handed' version of Plot 1. All Plots, other than Plot 3, are proposed to have chimney stacks.*
- 2.3 *The existing dwellings have an eaves level of 4.3m from internal ground level, and a ridge height of 6.7m from internal ground level. The proposed dwellings are to be slightly larger, having eaves heights of between 4.5 and 5.1m from internal ground floor level, and ridge heights of between 7.6 and 8.2m from internal ground floor level. Due to the nature of the site, the proposed dwellings would have varied floor levels of between 180.8 and 180.3.*
- 2.4 *It is proposed that the dwellings would be constructed with Red/brown facing brickwork to match adjacent properties and Staffordshire Blue plain clay tiles. The window and doors are proposed to be White uPVC and the rainwater goods black uPVC. It is also proposed that the garages would be of the same materials as the dwellings, with what appear to be timber supports to the car port elements and the garage doors are proposed to be side hung.*
- 2.5 *A boundary wall is proposed at the front of the dwellings, with inset pedestrian gates. The wall would turn down along the access to the car parking bays at the rear. The wall is proposed to be gated with ornate pedestrian and vehicle gates set between pillars which would be set back from the road. The parking area comprises single, detached garages with car ports for Plots 1 and 4 and two single garages, in a shared garage building, to serve Plots 2 and 3. There is also further space for parking adjacent to each of the garages.*
- 2.6 *The existing site extends to the highway boundary, with no pedestrian footway. However, the front boundary wall steps in at the central point of the site for an easement where the village post box and parish notice board are located. As part of the scheme, the boundary wall is proposed to be stepped back 3m from the highway boundary to create a shared footway to the carriageway edge and is further recessed in the centre to allow relocation of the post box and parish notice board, and to provide a pull-in area for the post box.*

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2017)

S1	Sustainable Development Principles
S2	Settlement Hierarchy
S4	Development in the Countryside
S9	Rural Parishes Development Strategy
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
HC19	Accessibility and Transport
HC21	Car Parking Standards

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

3.3 National Planning Policy Framework

3.4 National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

4.1 None.

5. CONSULTATION RESPONSES

Parish Council

- 5.1 - the proposal comprises a tightly-spaced row of detached houses ranged side-by-side along Main Road
- feel that this suburban arrangement detracts from the generally semi-rural sporadic character of the village, where the massing and orientation of many of the houses are varied and lively
 - consistent with this characteristic, would prefer a scheme that retained the existing Ivy House and its associated curved front boundary wall, which are valued as part of the tradition of the village
 - additional dwellings on the site would be acceptable
 - proposal appears to include a length of pedestrian footway beside the highway, again unfortunately suburban in character - inconsistent with the rest of the village, which as a semi-rural location is devoid of pavements
 - exit from the shared drive should demonstrate adequate visibility splays, including over the boundary wall to adjacent Chapel House
 - proposal appears to leave an existing telephone pole (adjacent to the shared drive and currently against the front boundary wall) dangerously exposed to traffic
 - note that the application details connection to the main sewer - in view of current unfortunate experience with The Firs development, ask that connection to the main sewer be made an explicit condition of any planning permission
 - appreciate the proposal's provision for the Parish notice board and lay-by for the post office van.

Local Highway Authority (Derbyshire County Council)

- 5.2 - do not consider that a highway objection could be sustained and recommend conditions on any consent granted
- the visibility splays will not prevent vehicles parking on the highway and, when visibility sightlines are considered, parked vehicles are not taken into account as they are not a permanent/fixed feature
 - visibility splays refer to boundary features such as walls and hedges to ensure these are controlled and a condition will not prevent them unloading in front of their property
 - advise applicant should also be aware that a Section 278/38 will be required for the proposed footway works. **Any further response to the submitted Drainage Strategy shall be reported.**

Development Control Archaeologist (Derbyshire County Council)

- 5.3 - identifies heritage value of the application site
- advises of having no objection to the development, in principle, but advises that if minded to grant planning permission, further archaeological works will be required
 - advises views of the District Council's Conservation and Design Officer are sought.

Trees and Landscape Officer (Derbyshire Dales District Council)

- 5.4 - satisfied that there would be no significant tree removals needed to facilitate the development
- impact to retained trees on and around the site during development works could be successfully controlled by the implementation of all the guidance provided by the report, including temporary tree protection fencing
 - shading by retained trees and also real or perceived risk of falling branches impacting parts of the development, particularly the parking area, garage of Plot 4, may be perceived as undesirable by future occupants which may result in pressure to prune or remove trees - these issues may become more significant as trees continue to grow
 - there is a foreseeable risk of future damage to new permanent surfacing close to retained trees from tree root growth beneath the surfacing in some areas of the development - these include the shared drive to the rear of the properties and the parking area for plot 4 and the path linking the garden to the parking area of Plot 4
 - suggest installation of a suitably specified root barrier at the edge of the surfacing should prevent this and will reduce the likelihood of pressure to remove trees causing potential problems in future, as well as preventing the damage to surfacing.

Derbyshire Wildlife Trust

- 5.5 - refer to submitted ecology reports
- conditions are recommended with regard to the bat roost, breeding birds, lighting, reasonable avoidance measures during construction and biodiversity enhancement

Environmental Health (Derbyshire Dales District Council)

- 5.6 - recommend that a noise impact assessment is carried to assess the site against the potential impact from noise arising from the motorcycle racing track situated approx. 600m to the SW of the application site
- this assessment may impact upon the design of the proposed dwellings, for example window glazing thickness, ventilation types, garden designs and lay outs or the need for other noise mitigation
 - the racing season for the racetrack is now finished and starts again in March/April 2024 so this will need to be considered when carrying out any noise impact assessment
 - condition on standard hours of operation during demolition and construction
 - any changes to the submitted drainage strategy, either surface or foul are submitted to the LPA for consideration and approval of Environmental Health.

5.7 Severn Trent Water

It is confirmed that from the evidence provided the use of soakaways for surface water disposal is in this instance not a possible solution, due to the ground conditions. As there are no other realistic options available for surface water disposal for the proposed development, it is confirmed that SWT will allow a controlled discharge of 2.5l/s via a flow control device to discharge to the 225mm combined sewer m/h 4401(or other suitable connection point) for your surface water.

6. REPRESENTATIONS RECEIVED

- 6.1 Representations have been received from three local residents and are summarised as follows:

Policy

- significant increase the number of properties in a village of this size,
- in the past four years, the number of houses in the village has already increased by 18% (from 55 to 65 houses)
- no amenities in the village beyond a village hall and a pub which is only open twice a week for an hour or so

Heritage

- would have preferred the new owner to have restored the property, given the history of the building
- comments have been received with regard to the Heritage Statement and reference to the Wesleyan Chapel – this has not been demolished but has been extended and the claim that the location is the site of a previous chapel, rather than an existing heritage asset, appears to lessen the historical value of that part of the village
- gate pillars and associated wall are shown to be attached to neighbours' existing wall - the wall is 193 years old and part of the heritage of The Old Chapel and do not think it is appropriate to connect any further construction to it or to excavate next to it

Character and Appearance

- not in keeping with the village
- application site is the highest point in the Wyaston village, so it is difficult to construct any new development without having some impact on the area
- understand that the applicant builds good quality houses which purchasers are satisfied with which is a substantial improvement on the miserable offerings that resulted from the recent Firs development
- proposal is to remove both walls and install a grass verge and footpath and leave the telegraph pole in situ - would prefer a design that would better protect the telegraph pole from being struck by vehicles as is likely to happen if it is left unprotected

Amenity

- no indication of how access gates will operate
- highways report shows that each house would produce 6 to 8 vehicle trips per house per day - this is a large increase in the number of vehicles neighbours' kitchen window from the 1 to 2 trips per day from the single dwelling
- if residents needed to stop and open the gates each time, then this would result in vehicles waiting in the road to access the site if more than one turned up at the same time
- applicant has assured that the gates will be electrically operated but ask the planning agent clarifies this issue
- previous occupant of Ivy House caused part of neighbours' wall to break and collapse when he excavated near to it in a previously abandoned attempt to fit some gates and the wall required underpinning, jacking back into position and further repairs - believe that wall should remain as a stand-alone feature.
- when telegraph poles are damaged, the residents are left with no internet coverage which impacts the their ability to work, medical stems do not communicate, banking is disrupted, security systems fail, TV systems stop working and a host of other issues arise - Edlaston and Wyaston is not considered an important location for repairs and reconnection by the company who provide the connections and as a result the difficulties are exacerbated for long periods. Bin Collection Area

- *propose that all 4 houses use a refuse bin deposit and collection area to be positioned alongside neighbours' boundary wall and 2.4 meters away from their back door which is in daily use - suggest that leaving sometimes smelly refuse bins in this position would be inconsiderate*
- *is ample room in front of each proposed dwelling to leave and collect their refuse bins without causing an obstruction and at the same time being more practical*
- *biodiversity requirements are to be met on the proposal by planting bushes and perhaps trees and plan shows a line of such planting alongside neighbours' boundary fence with a gap to protect the existing right of way - the planting will require some management and request that a Condition of any approval of the planning is that any planting cannot reach any height above the adjacent wall or fence on the boundary to protect the existing light into the neighbours' house and garden*

Highway Matters

- *will significantly increase traffic through the village*
- *access on a very dangerous bend with many near misses*
- *are no pavements in the village which already makes it dangerous for pedestrians without a further increase in vehicles*
- *question whether the wall height of the Old Chapel boundary has been changed to make it appear that there is good visibility over the top of the wall for cars turning out of the proposed access road*
- *despite speed measurements, there is a proven issue with speeding through the village - police have approved a community speed check initiative to try to reduce the number of speeding vehicles*
- *nothing in the latest highways survey reassures that this development would be anything other than dangerous*

Drainage

- *sewerage system installed for the previous development of ten houses has failed and foul water discharges into the watercourse*
- *sewerage system in the village is not able to cope with further development*
- *original property should be restored rather than demolished and replaced with four times as many properties*
- *surface water drainage as proposed is main concern with the development - as shown in detail on the plans it is unsustainable and not viable*
- *only solution to dealing with the surface water on the site is to connect it to the surface water gulleys and drains near to the site.*
- *proposal contained within the current plans would result in neighbour's property being used as the draining area for the whole site, which would flood garden and overwhelm our existing septic tank system*
- *topography survey accompanying the application confirms that the site slopes from the south to the north and also from the west to the east*
- *highest part of the site is the southwestern area at 181.03 metres and the lowest area is the site entrance at 179.47 metres*
- *the house and garden of The Old Chapel are lower than the site which slopes towards property*
- *the whole area in which the site is located is heavy clay and surface water does not percolate down through it*
- *the majority of the water currently runs out of the sites' drive and onto the side of the road in a northern direction - does not cause any issues for the road or its users due to the camber and slope of the road*
- *the rainwater keeps to the side of the road until it flows into a drainage ditch approximately 30 metres from the site entrance*

- during heavy rain there is a significant flow of water along this route. This long-established system does not cause any issues
- proposed surface water drainage system is designed to retain all of the surface water within the site and dispose of it via 4 soak-aways in the rear gardens of the 4 proposed dwellings but the proposal would not work
- proposed system has been designed to collect all the water flowing down the drive from the hard standing areas and collect it via a gully across the site entrance - the 'soakaways' will not be able to cope with the volume of surface water
- no reason why the surface water cannot be dealt with by the existing drainage system - any departure from the existing system renders the whole application untenable and not viable and trust that this issue can be resolved in the early stages of the consultation process and that the matter can be resolved without further representation

Other matters

- now 4 years since the Firs Farm development was completed and there are still significant issues that the developers and the planning department need to address
- no planning notices displayed in the village - procedure has not been followed and therefore planning must not be granted.

7. OFFICER APPRAISAL

Principle of the Development

- 7.1 Wyaston is identified by Policy S2 (Settlement Hierarchy) of the Adopted Derbyshire Dales Local Plan (2107) as a Fifth Tier settlement which are those that are considered to have a lack of basic facilities to meet day to day requirements. Fifth tier settlements have no defined settlement boundary and are located within open countryside. While this does not prevent residential development, it does limit those locations to where it is deemed appropriate, such as to infill sites like this application site.
- 7.2 Policy S4 (Development in The Countryside) is relevant given that Fifth Tier settlements are deemed to be located in the countryside for the purposes of planning. The District Council cannot currently demonstrate a five year land supply for housing going forward. Whilst this is a relatively modest shortfall, there is a requirement under Paragraph 11 of the National Planning Policy Framework (2023) to approve development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the Framework, that protect areas or assets of particular importance (including designated heritage assets), provides a clear reason for refusing the development proposed.
- 7.3 The complex of farm buildings has a historic group value and, whilst not listed buildings, are nevertheless deemed to be non-designated heritage assets. As such, regard has to be given to Policy PD2 of the Adopted Local Plan (2017) which seeks to preserve such assets. It is considered whilst there would be a degree of harm caused to the redevelopment of this traditional farm complex site, it is considered that this is of less than substantial harm. Paragraph 203 of the NPPF also advises the following:

The effect of an application on the significance of a non-designated heritage assets should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

- 7.4 Therefore, as the site is an infill site, and there is some benefit to be gained by providing a net increase of three additional dwellings, there is considered to be a public benefit in granting permission towards addressing the housing land supply shortfall and therefore it is considered that the tilted balance in favour of granting planning permission, as identified in Paragraph 11 of the NPPF would mean that the development would be acceptable in principle. However, this also has to be assessed against other Policies of the Local Plan (2017).
- 7.5 Policies S1 (Sustainable Development Principles), S4 (Development in the Countryside), S9 (Rural Parishes Development Strategy) and PD1 (Design and Place Making) seek to ensure that the character and appearance of any development is appropriate to its context and Policy PD5 (Landscape Character) places particular regard on protecting, enhancing and restoring the landscape character of the area.
- 7.6 There are other Policies contained in the Adopted Local Plan (2017) that have relevance in the consideration of the planning application. These include Policies PD3 (Biodiversity and the Natural Environment), PD6 (Trees and Woodlands), PD7 (Climate Change), PD8 (Flood Risk Management and Water Quality), PD9 (Pollution Control and Unstable Land), HC19 (Accessibility and Transport) and HC21 (Car Parking Standards). In addition, the District Council has adopted supplementary planning guidance with the Climate Change Supplementary Planning Document.

Impact on Heritage Assets and the Character and Appearance of the Area

- 7.7 The application area encompasses the remains of a brick built complex of farm buildings which appears on the first edition 1:10,000 Ordnance Survey but also the 1846 tithe map. As such, this complex of farm buildings has a group value and are a heritage asset, which is also a view also expressed in the submitted Heritage Assessment (p7) where it is advised:
- the Local Planning Authority Conservation Officer identified that there is heritage value within the whole site complex and the relationship between the various farmbuildings.
- 7.8 The Development Control Archaeologist advises that Wyaston may be of Anglo-Scandinavian origin, with a 7th century burial mound recorded some 750m to the south-east which is a designated scheduled monument also recorded on the Derbyshire HER (MDR889). The proposed development area lies just to the south-west of medieval earthworks, comprising medieval strip fields as can be seen both on Google earth and on publicly accessible LiDAR.
- 7.9 It can be inferred from the 1st Edition OS that the site may have directly communicated with Wyaston Grange via a pathway which may have been contemporary in origin with the medieval fields as it seems to respect their apparent or inferred boundaries. The site itself lies at the highest spur of land at approximately 180m AOD, which forms part of a low projecting ridge that slopes down to the east towards the Wyaston brook and to the west towards Browns Brook, a classic potential location for occupation pre-dating the 19th century, at the head of Orchard Lane.
- 7.10 Examination of the site via publicly accessible photography demonstrates that the eastern edge of the proposed development area is defined by a shallow gully and a low stone wall, accentuating that the land within the application is higher than that of the road to the east. The confluence of these observations leads the Development Control Archaeologist to suspect that there is heritage interest within the site and to infer that there is a potential for there to be buried heritage assets affected by the proposed development.
- 7.11 It is noted that the Heritage Statement advises that some of the ancillary buildings associated with Ivy Farm were in the process of, or have been, demolished at the time the

Heritage Statement was undertaken. On checking, it is also noted that DCC have no record that the Derbyshire HER has been consulted and that the consultation of online resources, such as Heritage Gateway, for the purposes of a Heritage Statement alone is not acceptable. In this context, the Development Control Archaeologist refers to Paragraph 194 of the NPPF which advises that that the HER should be consulted as a bare minimum, and the guidance from Historic England stipulates:

If you require historic environment information for planning-related enquiries, please contact the relevant HER directly and they will also be able to provide related specialist advice on development management, land management and other historic environment matters.

- 7.12 Notwithstanding the above, the Development Control Archaeologist advises of having no objection to the development, in principle, but advises that, if minded to grant planning permission, further archaeological works will be required. This will need to include an archaeological evaluation to determine presence/absence and significance of any below ground archaeology and any mitigation that may or may not be required proportionate to the results of evaluation; these can be secured by attaching a condition to any grant of planning permission.*
- 7.13 Officers raised concern with the design of the dwellings initially submitted with the application and their 'disparate' appearance. To this end, the proposals have been amended to seek to present a more unified development yet allow the dwellings to retain a degree of individuality. Plot 4 is essentially a handed version of Plot 1 and Plots 2 and 3 have similarities with the use of gables, but one is proposed to have a front projecting element with a catslide roof. Subject to the use of matching materials, it is considered that the principal elevations facing Main Street will present a harmonious development to the streetscene. With regard to materials, the use of a red/brown brick would be reflective of materials found on existing dwellinghouses in the locality and a condition would be required that samples/details be submitted. Staffordshire blue tiles are appropriate. Details will be required of the eaves and verge treatments to ensure the detailing is acceptable.*
- 7.14 One area of concern is the proposal to use white uPVC windows and door frames, doors and rainwater goods. It is considered that uPVC may be acceptable, but that this should have at least a 'grain' effect for the window and door frames and they should not be of a 'brilliant white' colour. Whilst timber doors would be preferred, it is considered that timber effect, composite doors may be acceptable. Given the 'traditional' character that the applicant is seeking to achieve with the development, if uPVC rainwater goods are proposed, then it is considered they should at least have the appearance of cast iron to reflect their design detail. The siting of pipework, vents and other fixtures and fittings, such as meter boxes, alarm boxes, etc., on the elevations of the buildings will also have an impact on the character and appearance of the development. To this end, it is considered that such matters of detail be addressed as conditions on any grant of planning permission.*
- 7.15 In addition to the above, the dwellings proposed are quite substantial when considered contextually with other dwellinghouses in the village. To this end, it is considered reasonable to withdraw permitted development rights for further additions and extensions to the dwellings, and for the erection of outbuildings, that may serve to impact on the amenity of the existing and proposed properties and to safeguard the character and appearance of the development.*

Highway Matters

- 7.16 Concerns have been raised with regard to the impact of the proposals on highway safety with regards to parking and visibility on exiting the site. It is advised that the visibility splays will not prevent vehicles parking on the highway as is currently the case. It is advised that*

when visibility sightlines are considered, parked vehicles are not taken into account as they are not a permanent/fixed feature. To this end, visibility splays refer to boundary features such as walls and hedges, to ensure these are controlled and a condition will not prevent the neighbours unloading in front of their property.

7.17 Having assessed the proposed development, the Local Highway Authority advises that they do not consider that a highway objection could be sustained and recommend conditions on any planning permission with respect to visibility splays, parking and turning provision and pedestrian footway provision as detailed on the submitted drawings.

Impact on Amenity

7.18 The dwellings at Plots 1 and 4 are sited contextually to dwellings on the north and south boundaries. has side facing windows looking towards the side elevation of Plot 4. However, given that these are not main living room windows, and given the relative distance between the dwellings, it is not considered that this would lead to such an impact on amenity that could substantiate a reason for refusal .

7.19 All four dwellings would have main living room windows facing across the road towards existing dwellings. However, given the relative distance between these dwellings . it is not considered that this would lead to such an impact on amenity that could substantiate a reason for refusal.

7.20 With regard to the vehicle access, this is proposed from the northern end of the site to pass to the north of Plot 1 and the neighbouring adjoining property and continue to the rear of the property where the proposed car parking is located. Whilst some noise is to be expected from comings and goings of future residents and their visitors this is considered to be not materially more significant than if the site in its current form was used for farming or repurposed for an alternative use.

7.21 The District Council's Environmental Health Section has advised that a noise impact assessment is carried to assess the site against the potential impact from noise arising from the motorcycle racing track situated approximately 600m to the SW of the application site. The reason is that the assessment may impact upon the design of the proposed dwellings, such as window glazing thickness, ventilation types, garden designs and lay outs or the need for other noise mitigation. However, whilst these concerns are noted, it is considered that it is unreasonable to require such as a condition given that any such noise would also be apparent to existing properties in the vicinity. As such, it is considered that these comments should be an advisory note.

7.22 It is appreciated that with any development there will be some disturbance to the amenity of neighbouring residents and possibly to the wider village. To this end, the Environmental Health Section has requested that a condition be attached to any grant of planning permission that restricts working hours and deliveries to reasonable times to seek to mitigate against such impacts. In addition, the Environmental Health Section has advised that any changes to the submitted drainage strategy, either surface or foul, be submitted to the Local Planning Authority for consideration and approval of the Environmental Health Section. This is again a matter that should be addressed through Building Regulations.

Trees and Landscaping

7.23 Having requested further information, the District Council's Trees and Landscape Officer is satisfied that there would be no significant tree removals needed to facilitate the development. It is also considered that the impact to retained trees on and around the site, during development works, could be successfully controlled by the implementation of all the

guidance provided by the applicant's arboricultural report, including temporary tree protection fencing.

- 7.24 It is noted that the shading by retained trees, and real or perceived risk of falling branches impacting parts of the development, particularly the parking area and garage of Plot 4. These may be perceived as undesirable by future occupants, which may result in pressure to prune or remove trees and that these issues may become more significant as trees continue to grow.
- 7.25 There is also a risk of future damage to new permanent surfacing close to retained trees, from tree root growth beneath the surfacing in some areas of the development. These include the shared drive to the rear of the properties and the parking area for plot 4 and the path linking the garden to the parking area of Plot 4. To this end, it is suggested that a suitably specified root barrier is installed at the edge of the surfacing to seek to reduce the likelihood of pressure to remove trees causing potential problems in future as well as preventing the damage to surfacing.
- 7.26 An important element to the success of the development will be the associated landscaping and boundary treatments. To this end, it is considered that further details need to be submitted of all hard and soft landscaping and the form and nature of boundary walls, gates and fencing, in order to assess the impact that such will have on the character and appearance of the development and how they will relate to the neighbours' boundaries. In addition, once boundary treatments are approved, it is considered reasonable to remove permitted development rights for alterations that may undermine the character and appearance of the properties.

Ecology and Biodiversity

- 7.27 Derbyshire Wildlife Trust has reviewed the information submitted, including the Preliminary Ecological Appraisal (Whitcher Wildlife, September 2023) and the Potential Bat Roost Potential & Bird Survey (S. Christopher Smith, August 2023) and Derbyshire Biological Records which shows local records of great crested newts and bat roosts.
- 7.28 The PBRA report confirms the presence of a small brown long eared bat roost within the farmhouse building. The PEA report confirms that the habitats within the site are limited but with a low risk of finding GCN, nesting birds and hedgehogs during site clearance. As such conditions are recommended with regard to the bat roost, breeding birds, lighting, reasonable avoidance measures during construction and biodiversity enhancement.

Drainage

- 7.29 Concern has been raised particularly with regard to surface water drainage of the site. Whilst neighbours have held some discussions with the applicant, this is nevertheless a matter that will need to meet the requirements of Building Regulations, as will that of sewage disposal. To this end, the applicant will need to address Building Regulations with the most sustainable approach to drainage given the particular constraints of the site which have been identified.

Climate Change

- 7.30 Policy PD7 (Climate Change) of the Adopted Local Plan (2017), and guidance contained in the District Council Climate Change Supplementary Planning Document (2021), seek to mitigate against the carbon footprint of development. The applicant has provided little information with regard to addressing such. To this end, there appears to be no reason why

the development proposed cannot comply with the Policy through the use of sustainable construction techniques and the use of ground or air source heat pumps. There would also be opportunity to provide solar panels, etc. at least in the south facing roofslope of the 'twin' gable projections on the rear of the dwellings. As such, the submission of mitigation measures should be a condition on any grant of planning permission.

Conclusion

- 7.31 *It is considered that whilst the existing development on the site are deemed a non-designated heritage asset, these are not listed buildings and are not sited within a Conservation Area. In addition, as the District Council is currently unable to demonstrate a five year housing land supply going forward, a further three additional dwellings on the site will go some way to addressing the shortfall. Policies S2 and S4 also allow for infill development within such settlements.*
- 7.32 *The proposals will alter the character and appearance of the site but the provision of four dwellings is considered consistent with the character and appearance of the area. Whilst the dwellings would be large in their scale, it is considered that they would sit comfortably next to each other and that the perception of mass to the rear will not be so apparent when looking between each of them, with the use of stepping in of elements of the rear projections.*
- 7.33 *Given the above, it is recommended that planning permission be granted subject to conditions to address materials and detailing, landscaping, highway matters, drainage, amenity, ecology, biodiversity enhancement, archaeology, climate change and the removal of permitted development rights.*

8 RECOMMENDATION

1. *The development hereby approved shall be carried out in accordance with Amended Drawing Nos. 14A, 15A, 16A, 17A, 18C, 19 and 20A received on 22nd March 2024 except insofar as otherwise required by other conditions to which this permission is subject.*

Reason: To define the permission for the avoidance of doubt and to ensure the satisfactory character and appearance of the development to comply with Policies S1, S4, S9 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

2. *Before any proposed building is faced details of the following shall be submitted to and approved in writing by the Local Planning Authority:*
 - *details/samples of all facing and roofing materials;*
 - *large scale details of the eaves, verges and fascia boards (1:5 section);*
 - *large scale details of all external joinery, including vertical and horizontal cross-sections through openings to show the positions of joinery within openings, depth of reveal, heads, cills and lintels;*
 - *details of the materials and colour treatment of the doors, door and window frames and garage doors and frames;*
 - *details of all rainwater goods;*
 - *details of external flues, background and mechanical ventilation, soil/vent pipes and their exits to the open air; and*
 - *full details of any proposed external meter and alarm boxes.*

Reason: To ensure the satisfactory character and appearance of the development to comply with Policies S1, S4, S9 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

3. *The development shall be undertaken fully in accordance with the recommendations of the arboricultural impact assessment detailed in Section 9 of the Arboricultural Report (Tree Heritage Ltd.) received on 12th February 2024 unless otherwise agreed in writing by the Local Planning Authority.*

Reason: In the interests of safeguarding trees that contribute to the character and appearance of the area to comply with Policies S1, S4, S9, PD1, PD5 and PD6 of the Adopted Derbyshire Dales Local Plan (2017).

4. *Before the development is occupied, details of all hard and soft landscaping, to include boundary treatments and gates, shall be submitted to and approved in writing by the Local Planning Authority.*

Reason: To ensure the satisfactory character and appearance of the development to comply with Policies S1, S4, S9, PD1 and PD6 of the Adopted Derbyshire Dales Local Plan (2017).

5. *All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the dwellings or the completion of the development whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.*

Reason: To ensure a satisfactory standard of landscaping in the interests of amenity in accordance with Policies S1, S4, S9, PD1 and PD6 of the Adopted Derbyshire Dales Local Plan (2017).

6. *The development hereby approved shall not be brought into use until the access, parking and turning facilities have been provided as shown on Amended Drawing 18C.*

Reason: To ensure conformity with submitted details in the interest of highway safety.

7. *The development hereby approved shall not be occupied until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 43 metres to the south and 19 metres to the north measured along the nearside edge of the adjoining carriageway and offset a distance of 1 metres from the edge of the carriageway. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.*

Reason: In the interests of highway safety.

8. *The development hereby approved shall not be occupied until the proposed vehicle access gates have been set back five metres from the adjoining carriageway edge and made to open inwards only.*

Reason: In the interests of highway safety.

9. *The development hereby approved shall not be occupied until the offsite works comprising the footway works as shown on Amended Drawing 18C have been constructed and completed.*

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

10. *The development hereby approved shall not be occupied until the means of access for vehicles, pedestrians and cyclists have been constructed and completed as shown on Amended Drawing 18C.*

Reason: In the interest of highway safety.

11. *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 and shall include, but not be restricted to, the following:*

- 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;*
- a Highway Condition survey; and*
- methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.*

The approved plan/statement shall be adhered to throughout the demolition/construction period.

Reason: In the interests of the safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

12. *No development shall take place until a written scheme of investigation (WSI) for archaeological work has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives; and:*

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works*
- The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.*

All works should be in accordance with a written scheme of investigation (WSI), pre-approved by this office in writing, before implementation. The WSI should be compiled by the archaeological organisation commissioned to undertake the works in the field and should be undertaken to recognised industry standards, in line with the appropriate levels and standards of field practice and recording. All archaeological works should be undertaken by a suitably experienced

archaeological organisation with suitably and demonstrably experienced archaeologists undertaking works on the ground.

Reason: To safeguard the identification and recording of features of historic and/or archaeological interest associated with the fabric of the building in accordance with Policy PD2 of the Adopted Derbyshire Dales Local Plan (2017).

13. *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 Saturday and at no time on Sundays, Bank or Public Holidays*

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, to comply with Policy PD9 of the Adopted Derbyshire Dales Local Plan (2017).

14. ***The development hereby approved shall be implemented in accordance with the recommendations in the submitted Drainage Strategy Report dated June 2024 by SA Consulting.***

Reason: To protect the amenity of the locality to comply with Policy PD9 of the Adopted Derbyshire Dales Local Plan (2017).

15. *Before the erection of the dwellings commences, details of measures to mitigate against the carbon footprint of the development shall be submitted to and approved in writing by the Local Planning Authority. Such measures shall be provided prior to the dwellinghouses each being occupied and shall thereafter be retained and maintained as such unless otherwise agreed in writing by the Local Planning Authority.*

Reason: To seek to address climate change to comply with the aims of Policy PD7 of the Adopted Local Plan (2017) and guidance contained in the District Council's Climate Change Supplementary Planning Document (2021).

16. *The building works shall not take place until an appropriate bat licence has been obtained and confirmation of this shall be submitted to the Local Planning Authority. Upon receipt of a licence from Natural England/site registration, works shall proceed strictly in accordance with the approved mitigation, which should be based on the proposed measures outlined in PBRA & Bird Report (S. Christopher Smith, August 2023) and amended as necessary based on any correspondence with Natural England. Such approved mitigation will be implemented in full, in accordance with a timetable of works included within the licence, and followed thereafter. A copy of the results of any monitoring works will be submitted to the Local Planning Authority prior to the occupation of any dwelling.*

Reason: In the interest of safeguarding protected species to comply with Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

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

Reason: In the interest of safeguarding protected species to comply with Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

18. *Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of light spill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). Such approved measures will be implemented in full. Reasonable Avoidance Measures Due to the low risk to wildlife including great crested newts, bats and hedgehogs during construction activities, safe working methods should be employed.*

Reason: To ensure that any risk to protected/notable species during construction activities will be minimised to comply with Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

19. *The development shall not commence until a Reasonable Avoidance Measures Statement (RAMS) has been submitted to and approved in writing by the Local Planning Authority. It should detail precautionary methods of working during the site clearance, ground disturbance and other development activities which have the potential to harm, kill or trap species of amphibians or mammals and should be in accordance with B.S. 42020:2013 Biodiversity – Code of Practice for Planning and Development. It should also set out if/when an Ecological Clerk of Works (ECoW) is needed to be present on site, and timings for all species potentially present on site, including nesting birds. It shall include instructions in the event that great crested newts are encountered. The approved statement shall be implemented in full and a short statement of compliance submitted to the Local Planning Authority upon completion of clearance works.*

Reason: To ensure that any risk to protected/notable species during construction activities will be minimised to comply with Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

20. *Prior to works commencing, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:*

- universal nest boxes at ratio of 1:1, in line with British Standard 42021:2022;*
- integrated bat boxes;*
- insect bricks / towers;*
- fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs; and*
- summary of ecologically beneficial landscaping (full details to be provided in Landscape Plans).*

The approved measures shall be implemented in full and maintained thereafter. Photographs of these features in situ shall be submitted to the Local Planning Authority to discharge this condition and the features shall be maintained in perpetuity.

Reason: To provide for biodiversity enhancement to comply with Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

21. *Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no external alterations or additions shall be made to any*

dwelling hereby approved and no buildings, extensions, gates, fences or walls (other than those expressly authorised by this permission) shall be carried out within the curtilage of any dwelling without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason: To safeguard the character and appearance of the development and the amenity of neighbouring residents to comply with Policies S1, S4, S9 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

NOTES TO APPLICANT:

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

www.derbyshire.gov.uk/transport-roads/roads-traffic/licences/enforcements/vehicular-access/vehicle-accesses-crossovers-and-dropped-kerbs.aspx

or email highways.hub@derbyshire.gov.uk before commencing any works on the highway.

2. *The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out. Contact the Highway Authority's Implementation team at development.implementaton@derbyshire.gov.uk allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Councils costs in undertaking the following actions:*

- *Drafting the Agreement*
- *A Monitoring Fee*
- *Approving the highway details*
- *Inspecting the highway works*

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

3. *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.implementaΘon@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 coordinate the laying of services under any new highways to be adopted by the Highway Authority.

- 4. 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.*
- 5. The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at www.derbyshire.gov.uk/transport-roads/roads/traffic/roadworks/roadworks.aspx before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.*
- 6. 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 £116 per request. The fee must be paid when the request is made and cannot be required retrospectively.*
- 7. The applicant is advised that there is a motorcycle racing track situated approximately 600m to the south west of the application site which may impact on the amenity of the occupiers of the dwellings. As such, it is advised that regard should be given to matters such as window glazing thickness, ventilation types and the need for other noise mitigation.*
- 8. The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant which resulted in the submission of a scheme that overcame initial concerns relating to the design of the dwellinghouses.*
- 9. This decision notice relates to the following documents:*

Amended Drawing Nos. 14A, 15A, 16A, 17A, 18C, 19 and 20A received on 22nd March 2024

Topographical Survey received on 17th November 2023

Drainage Layout Plan received on 17th November 2023

Statement of Significance and Impact received on 17th November 2023

Design and Access Statement received on 17th November 2023

Highways Report received on 17th November 2023 and 11th January 2024

Preliminary Ecological Appraisal (Whitcher Wildlife Ltd.) received on 17th November 2023

Preliminary Bat Roost Assessment and Bird Survey (S. Christopher Smith) received on 17th November 2023

Arboricultural Report (Tree Heritage Ltd.) received on 12th February 2024.