

STONE PLANNING SERVICES LIMITED

**Derbyshire Dales Local Plan Examination
Matters 10 and 11**

**Submission on behalf of Ms D Fern OBE
Stancliffe Hall,
Whitworth Road
Darley Dale
Derbyshire**

REF 2221

1. The Development Strategy

Are the allocations in Darley Dale consistent with the development strategy (Policy S8)?

Darley Dale is the only Second Tier settlement in the District and sits below Matlock, Ashbourne and Wirksworth (Policy S3).

Table 3 on page 42 of SD/01 indicates a requirement of 6,571 houses to 2033. Of this almost 50% comprises "Allocated Sites".

For broader development purposes Darley Dale is included within Matlock and Wirksworth under Policy S8.

Of the 3,188 houses identified on "Allocations" just 334 are in the settlements that make up Darley Dale. Darley Dale is the only second tier settlement. We believe that Darley Dale is capable of accommodating further growth commensurate with its status in the settlement hierarchy.

Furthermore the settlement boundary to Darley Dale itself is shown on page 13 of SD/02 (Appendix 5 Proposals Map). Within this area are just two of the 5 Darley Dale locations. In our view sites Hc2h, Hc2i and Hc2k lie outside the defined settlement boundary and are just as readily associated with Matlock. Sites Hc2j - Rear of RBS and HC2l Stancliffe Quarry are the only two sites actually within the defined settlement boundary of Darley Dale.

We consider that having identified Darley Dale as the only Second Tier settlement where growth can be anticipated the Plan does not deliver sufficient housing in the settlement.

Our client owns and resides in Stancliffe Hall and have promoted a small part of their land holding for up to 41 dwellings on land fronting onto Whitworth Road. The site was originally classified by the Council as a developable site (SHLAA Ref CSAS96). It was presented to the Council's Local Plan Advisory Committee in November 2012 by the Planning Officers as a Priority 3 site. The Committee, following debate, raised it to a Priority 2 site. Without warning the site was dropped as a site at the Local Plan Advisory Committee meeting in January 2013. There has never been a rational explanation for this.

We firmly believe that the identified part of the site is capable of delivery. The Council considers that the proposal would result in "less than substantial harm" to heritage assets. Originally they stated that it would result in "substantial harm". Furthermore the Council did not consider that there was sufficient public benefit to outweigh the harm- a point we disagree with. The public benefits relate to:

1. Market housing in a Local Service Centre.
2. Market housing at a time when there is no 5 year supply of deliverable housing sites.
3. Provision of affordable housing
4. High quality exemplar design.
5. Re-instatement of the Parkland topography and parkland tree planting.
6. Management of existing trees.
7. Enhanced bio diversity.
8. Surface water drainage system to capture water runoff in a controlled manner.
9. Removal of incongruous metal railing from the listed boundary wall along the Whitworth Road frontage.

The site is capable of delivering a Policy compliant scheme with contributions to community needs and 30% affordable housing. Furthermore our clients are prepared to work with both the Council and the health bodies with a view to accommodating a Medical Centre on the site.

The Inspector is also asked to consider the public benefit (para 134 NPPF) associated with housing delivery . In the recent Planning Appeal decision with regard to land at Kedleston Road, Allestree , in the neighbouring Amber Valley Borough (PINS ref:3147743 and 3132791). The Inspector at para 83 , concluded

"Against that is the very great public benefit of market and affordable housing, which is much needed, especially in Amber Valley but also in Derby City. That public benefit is more than sufficient to tip the balance in favour of the appeal proposals"

(Para 83) [our emphasis].

Those appeals related to housing development in close proximity to the Grade 1 Listed Kedleston Hall. The Inspector attributed "very great public benefit" to housing delivery in the para 134 balance.

The Council's response to representations with regard to Stancliffe Hall indicates (page 467 of Appendix 3 Doc CRO/1) that as the Council is able to meet its Objectively Assessed Housing Need it is not considered "appropriate to re-evaluate the suitability of the site for development' . We consider that:

1. Darley Dale has the capacity to accommodate more growth.
2. Of the identified 334 houses in Darley Dale , 100 are at Stancliffe Quarry and we have serious reservations about delivery from that site (see below).
3. Stancliffe Hall should be re-evaluated now irrespective of the Council's claim that it can meet its housing need.

We have concerns that the Council is not allocating sufficient sites for housing in Darley Dale at a level commensurate with its status as the only second tier settlement. Stancliffe Quarry is not deliverable and the development of land to the rear of RBS could adversely impact on the Strategic gap between Matlock and Darley Dale.

2. Land at Stancliffe Quarry

Is the site deliverable in the timescales envisaged by the SHELAA having regard to constraints, infrastructure and viability?

In particular what are the implications for deliverability of ecological constraints, contamination, rock faces, stability and the mineral resource?

Are the criteria within Policy DS3 justified?

Stancliffe Quarry is a working quarry with 165,000 tonnes of reserves.

The Council's Trajectory (Appendix 9 - Phasing Schedule for Sites 10+) shows delivery of all 100 units within the 4 year period 2017/18 to 2020/21. The Inspector should be aware of the following in assessing deliverability at all and certainly within the next 4/5 years:

1. Minerals have still to be worked from the site. Policy MP17 (Doc EX10) of the Derby and Derbyshire Mineral Local Plan considers 'Safeguarding Minerals Resources'. It sets out two criteria against which developments will be judged. We have not had sight of any justification for considering the development of the quarry as an exception to Policy MP17.

It is understood that the site has significant reserves - 165,000 - (DDDC Response to Inspectors

Preliminary Questions (Doc EX/08)). There is reference to 'extraction is sporadic but is generally about 30,000 tonnes every couple of years'. We feel that there is a need for greater certainty and the Council should obtain hard data from Derbyshire County Council with regard to the level of extraction from the site. Even at a rate of 15,000 tonnes per year the site has 11 years reserves.

2. There is no outline planning permission for the site. There is a previous refusal of consent (DDDC Ref: 15/00640). The earlier consents for Tourist Accommodation have lapsed. In our view, it is inconceivable that housing will be delivered from the site as indicated on the submitted trajectory, if at all.

3. Notwithstanding the mineral safeguarding issue the site is not without its technical challenges:

- A. Delivering a safe access off the A6 whilst at the same time not adversely impacting the extensive TPO area or harming the listed boundary wall.
- B. Developing the site in a manner that does not adversely impact on the Council's policy towards the A6 Corridor (PD10)
- C. Delivering a sustainable drainage strategy. This is a very significant challenge.
- D. Stabilising the quarry wall. Our client owns and resides in Stancliffe Hall which is situated immediately to the east of the cliff face. This face and the owners treatment of it has been the subject of legal action between our client and the quarry owners/ operators over a period of time. It is also understood that the County Council has served both Enforcement and Stop Notices with regard the site. The District Council may be able to assist on this point. If houses are to be constructed in the quarry then significant and expensive stabilisation and remediation will be required.

4. The Cushman & Wakefield Viability Study (CD/19) completed site specific testing for Stancliffe Quarry. It assumed a net developable area of 3.3 ha and a density of development of 30/ha. Notwithstanding our broader concerns about delivery we believe that a 30/ha density is very optimistic. The site is an enclosed quarry with steep sides; properties will not only need to be away from the quarry faces but would also need larger than average gardens if satisfactory amenity is to be achieved. Furthermore, houses need to be attractive to purchasers. The density is over optimistic
Furthermore whilst it refers to 100 dwellings there is also reference to 110 dwellings (Phasing and timing of delivery).

Surprisingly the 'Abnormal' costs set out in the assessment make no reference to:

- A. Costs of stabilising the cliff faces. This does not just involve the eastern face adjacent Stancliffe Hall but all faces.
- B. Dealing with the inevitable contamination associated with a quarry that has been active for decades. The Inspector refers specifically to contamination but it is absent from the Cushman & Wakefield Assessment
- C. It is highly unlikely that work would start as indicated (Immediate start indicated) so there will be additional financing costs.
- D. Furthermore we suspect the access will be significantly more than £100,000 .
Approximately 150 metres of adoptable road would need to be constructed before the first house is reached.

We believe it highly unlikely that the site will deliver a policy compliant scheme with full contributions to community development projects, 30% affordable housing and a contribution to establishing a medical centre. A policy compliant scheme is unlikely to be viable.

5. In addition the Inspector will be aware that the Council has consistently referred to 'Stancliffe Quarry' as being 'Previously Developed Land'. The SHLEAA (CD26) on page 159 indicates a 'Green

' score against the PDL category. It is our belief that this is not the case and ask the Inspector to consider this against the definition of PDL in the Glossary to the NPPF (Page 55). We believe that the Council's view that Stancliffe Quarry is PDL has had undue influence on its decision to pursue an allocation here.

6. By allocating Stancliffe Quarry the settlement boundary of Darley Dale (SD/02) will co-join the settlement boundary of Northwood. This is at a time when Policy PD10 seeks to protect and enhance the A6 corridor . The settlements would join.

In our view Stancliffe Quarry is not a deliverable site when considered against both the Council's over optimistic 5 year trajectory or within the longer plan period.

3. Other Housing Allocations

Are the sites deliverable in the timescales envisaged by the SHELAA having regard to constraints, infrastructure and viability?

We have the following comments:

1. Site in Darley Dale Settlement Boundary
 - A. Rear of RBS (HC2j)- our only concern is the potential impact on the strategic gap between Matlock and Darley Dale along the A6.
2. Sites outside Darley Dale Settlement Boundary
 - A. Normanhurst Park (HC2k) - no comment
 - B. Old Hackney lane (HC2h) - the Inspector will need to be satisfied that Old Hackney Lane is capable of accommodating vehicular flows
 - C. Old Hackney Lane (HC2i) - the Inspector will need to be satisfied that Old Hackney Lane is capable of accommodating vehicular flows

4. Strategic Gap

Is a strategic gap necessary taking into account other policies of the plan?

Is the extent of the strategic gap justified?

Our client recognises the value of green spaces along the Matlock - Darley Dale A6 corridor and supports Policy PD10.

We have 2 observations:

1. The RBS allocation (HC2j) does sit in a prominent location along the corridor and functions as an important gap between Darley Dale and Matlock.
2. The Stancliffe Quarry frontage is important acting as a gap between Darley Dale and Northwood. This area will of course be breached by an access and rebuilding of the frontage wall for visibility if Stancliffe Quarry is developed.

5. Settlement boundaries

Is the settlement boundary for Darley Dale justified?

We believe that there should be two amendments to the Settlement Boundary for Darley Dale:

1. The deletion of the Stancliffe quarry site from within the settlement boundary.
2. The inclusion of that part of our client's site which we believe is suitable for development which coincides with the limit of the previously engineered sports pitches.

See Plan 1 attached.

6. Infrastructure

Will the infrastructure to support the scale of development proposed be provided in the right place and at the right time?

In particular do the policies support provision for a new medical centre?

We have concerns that the medical centre will not be delivered. Our client is prepared to make a CIL compliant contribution to the assist delivery of the Medical Centre. They would be prepared to accommodate the Medical Centre on their site.

Paul Stone
Director Stone Planning Services Limited