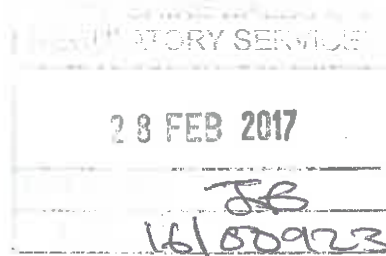


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Telephone: (01629) 539808
Our Ref: PM/SB/2102.6/applications/strategic/Derbyshire Dales
Your Ref: 16/00923/OUT
Date: 23 February 2017



Dear Mr Bradbury

Localism Act – Strategic Planning Comments

Proposal: Development of 586 dwellings, incorporating 78 affordable units, 2800 m2 commercial floorspace (Class B1), shop and cafe, with associated vehicle, cycle and pedestrian infrastructure (outline)

Location: Cawdor Quarry, Permanite Works and Part of Snitterton Fields, Matlock Spa Road, Matlock

Applicant: Groveholt Ltd

Planning Application Code No: 16/00923/OUT

Thank you for your consultation on the above planning application. Derbyshire County Council's (DCC) Member and Officer strategic planning policy comments on the planning application are given below.

DCC will be submitting a separate Officer response on the infrastructure planning and service delivery implications of the proposed development to Derbyshire Dales District Council (DDDC) in due course.

DCC, as Highway Authority for the area, has been consulted on the planning application and will be responding separately to DDDC on the highways impact implications of the development proposals. The comments below are made without prejudice to the Highway Authority's response on the planning application.

1 Executive Summary

1.1 The planning application is for a large mixed-use housing and employment development for 586 houses and 1 hectare (ha) of B1 Business uses on

- land that includes the former Cawdor Quarry, former Permanite Works and other greenfield land at Snitterton Fields off Matlock Spa Road, Matlock.
- 1.2 The Cawdor Quarry part of the application site has extant planning permission for 432 houses and employment uses, which was originally granted in 2001. The former Permanite Works and Snitterton Fields areas of the application site, however, have no previous planning consent for housing development. The Cawdor Quarry and Permanite Works areas have recently been identified as a Strategic Site Allocation in the Derbyshire Dales Pre-Submission Draft Local Plan (PSDLP) for 470 houses and 1ha of employment land. The Snitterton Fields area of the application site, however, is unallocated in the PSDLP and falls outside the defined Settlement Framework Boundary of Matlock, for which there is a restrictive approach to new development.
 - 1.3 Councillor Andy Botham, Local County Member for Matlock Electoral Division, has been consulted on the application but no comments have been received at the time of writing.
 - 1.4 The Officer comments in Sections 4 to 9 below assess the proposed development in the context of relevant national, sub-regional and local planning policies, objectives and evidence.
 - 1.5 The National Planning Policy Framework (NPPF) is the most up-to-date national planning policy document relevant to the assessment of the planning application and has been given considerable weight in its assessment with regard to the Government's key aims of the NPPF:
 - to boost significantly the supply of new housing;
 - the presumption in favour of sustainable development;
 - to achieve sustainable economic growth and develop a prosperous economy; and
 - to take account of the different role and character of different areas, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
 - to avoid sterilisation of economically workable mineral deposits.
 - 1.6 At the sub-regional level, regard has been given to the growth priorities of the Derby, Derbyshire, Nottingham and Nottinghamshire Local Enterprise Partnership (D2N2 LEP) in its Strategy for Growth (SFG) 2013 – 2023 and Strategic Economic Plan (SEP); and the growth priorities for land and property in the Derbyshire Economic Strategy Statement (DESS). Given that the former Cawdor Quarry is included within the application proposals, the policies of the Adopted Derby and Derbyshire Minerals Local Plan (DDMLP) and Emerging Derby and Derbyshire Minerals Local Plan (EDDMLP) are of relevance to the application proposals.
 - 1.7 At the local level, the more strategic level Saved Policies of the Adopted Derbyshire Dales Local Plan (DDLPL) and policies in the PSDLP have an important bearing on the application that carry weight in its assessment,

particularly as the Cawdor Quarry area of the site is allocated as a strategic housing commitment site in the DDLP and both the Cawdor Quarry and Former Permanite Works parts of the site are identified as a Strategic Site Allocation in the PSDLP.

- 1.8 Overall, in the context of the assessment of national, sub-regional and local planning policy in Sections 4 to 9 below, it is considered that the planning application proposals in their entirety are unacceptable as currently proposed. This is because there are fundamental concerns about the inclusion in the proposals of greenfield land at Snitterton Fields. The proposed development of over 100 houses on this part of the application site would be poorly related to the proposed housing development on the remainder of the site in the former Cawdor Quarry and Permanite Works sites. Such a large-scale of housing development on Snitterton Fields would appear as an area of urban sprawl into the countryside beyond the defined Settlement Framework Boundary of Matlock. It would have an unacceptable major and adverse impact on the landscape and landscape character of the area and the setting on the Peak District National Park. It is considered that these adverse impacts could not be fully mitigated by any design, layout or landscaping proposals. Accordingly, this aspect of the planning application proposals would be contrary to the principles of sustainable development in the NPPF.
- 1.9 Of fundamental importance to the assessment of the application are paragraphs 14, 47 and 49 of the NPPF. In this context, DDDC is currently able to demonstrate an up-to-date five year housing land supply. There is no automatic presumption in favour of granting permission for the proposed development, therefore, in the context of paragraphs 14 and 49 of the NPPF. Although the Adopted DDLP is dated, DDDC is producing an emerging replacement Local Plan which is well advanced, with the PSDLP having been submitted to the Secretary of State in December 2016, for which an Examination in Public (EIP) is anticipated in May 2017.
- 1.10 The PSDLP sets out a housing requirement for the District of 6,440 dwellings between 2013 and 2033. The Plan identifies sufficient land through proposed housing allocations and commitments to meet this housing requirement in full. In the context of the above, therefore, there is no overriding need for the housing proposals on the Snitterton Fields part of the application site to be approved to meet any potential shortfall in the District's five year housing land supply or Local Plan housing requirement.
- 1.11 Conversely, the housing proposals on the remainder of the application site at Cawdor Quarry and former Permanite Works are considered to be acceptable and in broad conformity with the principles of sustainable development in the NPPF. Cawdor Quarry already benefits from extant planning permission for 432 houses and employment land uses. The housing proposals on these two parts of the application site would:

- provide for a sustainable urban extension that would be well related to the existing built up area of Matlock. Matlock is a sustainable settlement and suitable to accommodate the scale of development proposed on these two parts of the site.
- provide an important contribution to the District's five year housing land supply and overall housing requirements up to 2033;
- have good accessibility to the local highways and public transport network and a wide range of shops, services, facilities and employment opportunities in Matlock and the wider surrounding area;
- help facilitate the remediation and redevelopment of a former quarry and vacant employment site;
- generate significant numbers of jobs in both the construction phase of development and provision of the B1 employment space. The large number of residents occupying the housing units would generate significant levels of new expenditure for the local economy, which would help support local shops, services and facilities; and
- have more limited impacts on the landscape and landscape character of the area, which could be appropriately mitigated.

1.12 In recognising the positive benefits above, Section 9 of the assessment below considers it to be appropriate to request the applicant to provide further supporting information, which assesses the quantity and quality of the underlying limestone at the former Cawdor Quarry and the viability and practicality of extracting any remaining mineral prior to, or as part of, the development of the site.

1.13 Overall, the NPPF makes it clear that at the heart of the Framework there should be a presumption in favour of sustainable development, which comprises three key economic, environmental and social elements. Paragraph 8 of the NPPF makes it clear that these elements are mutually dependent and that they need to be addressed together as part of a balancing exercise. In essence, the application of the balance is an exercise which seeks to understand the beneficial impacts or advantages of any development scheme but then to look at the disadvantages or adverse impacts and whether these would outweigh the benefits and advantages.

1.14 On the basis of the summarised analysis above and in detail below, the current planning application proposals have a range of beneficial and adverse impacts. The Cawdor Quarry and Permanite Works elements of the application scheme are considered to be acceptable and in conformity with the principles of sustainable development in the NPPF. However, as the Snitterton Fields part of the site forms an integral element of the

application proposals (118 units or 20%), it is considered that overall the application proposals in their entirety are unacceptable in their current form as the Snitterton Fields part of the application is contrary to the principles of sustainable development in paragraph 14 of the NPPF.

2 Member Comments

- 2.1 Councillor Andy Botham, Local County Member for Matlock Electoral Division, has been consulted on the planning application. At the time of writing, no comments have been received. However, I will forward any comments received at a later date for your information.

3 Officer Comments

- 3.1 The Officer comments below are made under powers delegated to me by the Full Council on 5 November 2003. The comments are provided to DDDC in a technical context to assist in the assessment of the application and the key technical and planning policy issues of the proposed development.

4 Planning History

Planning Application History

- 4.1 The detailed planning application and masterplan for the proposed development of the Cawdor Quarry part of the current application site for 432 dwellings (including 32 affordable dwellings), open space, highways works, B1 Business use, community uses and realignment of the railway west out of Matlock, was approved by DDDC in December 2001.
- 4.2 DCC submitted strategic planning policy comments on the planning application in September 2001. These comments raised no objections in principle to the proposed development, as it was considered to conform with the provisions of the General Development Strategy, Housing, Economy, Transport, Leisure and Tourism and Environment policies of the (then) adopted Derby and Derbyshire Joint Structure Plan (DDJSP) (2001). In particular, the County Council's comments considered that the proposed development would provide for a sustainable form of housing development, which would redevelop previously developed land and would provide for a new housing development which would be well related to the existing urban area of Matlock, and facilitate the construction of the town centre relief road.
- 4.3 More recently, planning applications have been submitted and approved for various revisions to the approved masterplan for the site and for an extension of time for implementation of the proposed development as follows:

Revision to approved masterplan layout to facilitate the rearrangement of the layout of 269 houses (no change in the approved residential units at 432), reconfiguration of the B1 employment floorspace and associated works (Permission Granted 28 June 2010).

Extension of Time Limit for Implementation – Revision to approved masterplan layout to facilitate the rearrangement of the layout of 269 houses (no change in the approved residential units at 432), reconfiguration of the B1 employment floorspace and associated works. (Permission Granted 23 October 2013).

- 4.4 DCC did not submit any Officer strategic planning policy comments on either of the above planning applications.

Local Plan History

Adopted Derbyshire Dales Local Plan (2005)

- 4.5 The Cawdor Quarry part of the current application site was allocated in the Adopted DDLP as a Major Housing Commitment site with the western part of the site allocated as a Site of Special Scientific Interest (SSSI) under Policy NBE1. The site of the Permanite Works is unallocated in the Local Plan. However, the defined Settlement Framework Boundary in the Plan includes within it the Cawdor Quarry Housing Commitment site, SSSI and Permanite Works. The Snitterton Fields and land north of the Permanite Works areas of the current application site are unallocated in the Local Plan and both fall outside the defined Settlement Framework Boundary. Much of the Cawdor Quarry part of the site is also identified as a Wildlife Site under Policy NBE3.

Derbyshire Dales Pre-Submission Draft Local Plan

- 4.6 The PSDLP was submitted to the Secretary of State on 19 December 2016. It should be noted that the applicant's Planning Statement (PS) submitted in support of the current planning application has not been updated to reflect the most up-to-date Local Plan context for the application proposals. The PS was prepared at a time when the Derbyshire Dales Draft Local Plan (DDDLP) had been published in March 2016.
- 4.7 The PSDLP identifies land at Cawdor Quarry and the Permanite Works as a Strategic Site Allocation under Policy DS9. The Policy indicates that land amounting to 28.44 ha is allocated for mixed-use development comprising approximately 470 dwellings and 1ha of employment land. The Policy requires that the proposed development should be compliant with a range of adopted Local Plan Policies including:

- *A comprehensive layout and masterplan for the proposed development;*

- *Preparation of a detailed phasing programme covering the whole site to ensure that the housing and employment development are brought forward concurrently;*
- *Preparation of a Transport Assessment and Travel Plan;*
- *Provision of a required proportion of affordable housing;*
- *Provision of a Comprehensive Landscape Plan, including retention of key landscape and ecological features;*
- *A site Specific Flood Risk Assessment; and*
- *The provision of developer contributions towards the provision of infrastructure, education services and other community services including open space.*

- 4.8 Land at the Former Permanite Works is also specifically included as a Housing Land Allocation under Policy HC2(w) with a site area of 1.79 ha and a dwelling capacity of 50 units.
- 4.9 The Settlement Framework Boundary defined for Matlock under Policy S3 includes the Cawdor Quarry and Permanite Works sites within it but excludes those parts of the current application site that covers Snitterton Fields and land north of the Permanite Works. Policy S3 defines Matlock as a First Tier Market Town in the Settlement Hierarchy, which will be the primary focus for growth and development and continue to provide significant jobs and services. Policy S4: Development Within Defined Settlements Boundaries indicates that planning permission for new development will be granted providing a range of criteria are met. Policy S5: Development in the Countryside indicates that outside defined settlement development boundaries and sites allocated for development on the Proposals Map, the District Council will seek to ensure that new development is strictly controlled in order to protect and where possible, enhance the landscape's intrinsic character and distinctiveness.
- 4.10 DCC submitted extensive Member and Officer technical comments on the PSDLP on 22 September 2016, particularly on the Plan's policies on housing provision and land supply requirements; housing allocations; affordable housing; highways impacts; infrastructure; landscape and landscape character impacts; heritage impact issues; and minerals and waste issues. Reference is made to these comments below where necessary.
- 4.11 In particular, DCC's Officer comments supported the Plan's housing provision requirements of 6,440 dwellings over the period 2013 – 2033 as this would meet the full objectively assessed housing needs (OAHN) of the District. The range of Strategic Site Allocations (including Cawdor Quarry) and other Housing Allocations (including the Permanite Works) was supported in principle subject to further assessment of their strategic infrastructure requirements. The landscape comments made specific reference to the Permanite Works site, as being one of a number of proposed housing allocations that had been identified in the Derbyshire Dales Landscape Sensitivity Study (DDLSS) as being of high landscape

sensitivity and of Secondary Sensitivity in DCC's strategic Areas of Multiple Environmental Sensitivity (AMES) study. The comments highlighted that the housing allocations could have significant landscape and visual impacts and the need to ensure that those impacts were fully mitigated to an acceptable level.

5 National and Sub-Regional Policy Considerations

National Planning Policy

- 5.1 A wide range of policies in the NPPF are of relevance to the assessment of the planning application. Those policies of particular relevance are set out below.
- 5.2 Paragraph 14 emphasises that at the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking. For decision making this means:
- approving development proposals that accord with the development plan without delay: and
 - where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole;
 - specific policies in the Framework indicate development should be restricted.
- 5.3 Paragraph 47 requires local planning authorities (LPAs) to significantly boost the supply of housing and use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area (HMA). LPAs should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements.
- 5.4 Paragraph 49 indicates that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable sites.
- 5.5 Paragraph 50 indicates that, to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:
- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community;
 - identify the size, type, tenure and range of housing that is required in

- particular locations, reflecting local demand; and
 - where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified.
- 5.6 Paragraph 52 emphasises that the supply of new homes can sometimes be best achieved through planning for larger scale developments, such as new settlements or extensions to existing villages and towns that follow the principles of Garden Cities.
- 5.7 Paragraph 109 emphasises that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- 5.8 Paragraph 126 advises LPAs that they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.
- 5.9 Paragraph 132 emphasises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Assessment

- 5.10 In location terms, the vast majority of proposed housing and employment development on the Cawdor Quarry and Former Permanite Works parts of the application site would provide for a well-located sustainable urban extension to the south-western edge of the built up area of Matlock. The area of the application proposals on the western part the site on Snitterton Fields, however, would be more remote and as currently proposed on the application masterplan layout, appears to be somewhat divorced and poorly related to the larger part of the housing development on the Cawdor Quarry and Permanite Works parts of the site. There are also fundamental concerns regarding the adverse visual impacts of the Snitterton Fields housing development on the landscape and landscape character of the wider area (see further details below), which compound the concerns.
- 5.11 Matlock is a sustainable settlement as it has a good range of shops, services, facilities and employment opportunities and is a suitable location to accommodate significant housing growth. The overall scale of the proposed mixed-use development providing for 586 dwellings is compatible with the scale, role and function of Matlock, which is defined in the PSDLP as a First Tier Market Town, which is suitable to accommodate significant levels of housing and employment growth. Historically, this suitability has

been recognised strategically in Derbyshire Structure Plans (1980 and 1990), the DDJSP (2001) and more recently in the former East Midlands Regional Plan (EMRP) (2009), which all identified Matlock as an area suitable to accommodate significant levels of housing and employment growth.

- 5.12 The application proposals would provide for 586 dwellings of a range of sizes from 1 bedroom apartments up to 5 bedroom family homes and importantly would include 78 affordable homes (see further comments below) for which there is an urgent need in Matlock. DDDC is currently able to demonstrate a five year housing land supply and there is a need for the provision of around 6,440 dwellings in the District over the period 2013 to 2033 (see Section 6 below). The vast majority of the application site (excluding the Snitterton Fields part of the site) is identified as contributing to the District's housing requirement as an existing commitment and/or proposed local plan allocation and the Cawdor Quarry part of the site is predicted to contribute around 90 units towards the District's 5 year housing land supply.
- 5.13 In accessibility terms, the settlement of Matlock has good transport links from a highways and public transport perspective. The A6 provides good accessibility to the south of the town to Belper and Derby City beyond, where there are a wide range of shops, services, facilities and employment opportunities. To the north-east, the A632 provides good accessibility to the sub-regional centre of Chesterfield, which similarly has a good range of shops, services, facilities and employment opportunities. To the south-east, the A615 provides good accessibility to Alfreton and Ripley and the A38 and M1 beyond.
- 5.14 Matlock has very good accessibility by public transport. The town's railway station is located a short distance away from the eastern part of the application site, where there are frequent services to Derby and settlements in between. The town's main bus station is similarly located a short distance away to the east of the site, where there are frequent services to a wide range of destinations in the surrounding area.
- 5.15 In economic development and regeneration terms, the application proposals could have a number of positive benefits for the local economy. The proposed provision of up to 586 dwellings on the site and its associated residents could generate significant levels of new expenditure for the local economy and provide for significant numbers of new jobs in the construction phase of the development, with additional multiplier effects for the local economy. The provision of B1 floorspace in the application proposals would also provide additional jobs.
- 5.16 In environmental terms, the vast majority of the planning application proposals would provide significant positive environmental impacts in facilitating the remediation and redevelopment of the former Cawdor Quarry and former Permanite Works, which is now a vacant site. However,

there are fundamental concerns about the inclusion within the application proposals of land at the western part of the site covering Snitterton Fields. These fundamental concerns are set out in more detail in Section 8 below. In summary Officers consider that extension of the Cawdor Quarry and Permanite sites into Snitterton Fields will have a significant adverse effect on the character of the landscape at this location as well as the setting of the Peak District National Park. The proposed visual mitigation of the Snitterton Fields area of the site through the inclusion of individual trees and tree groups scattered through the pastoral fields would be inappropriate to the established character of the landscape and reflects the fact that mitigation is required to address clearly identified adverse effects. The development of Snitterton Fields will be clearly seen as urban sprawl into a distinctly rural location, the development would be permanent, and the landscape mitigation proposal is also at odds with the character of the wider landscape. From Viewpoints 5, 6 and 7 in particular, which includes locations within the Peak District National Park, the impacts would be major and adverse and therefore significant. The existing vegetation around the western perimeter of the quarry and the former Permanite site provide a logical end to the site and development limited to this extent could then be made acceptable.

- 5.17 Overall, the NPPF makes it clear that at the heart of the Framework there should be a presumption in favour of sustainable development, which comprises three key economic, environmental and social elements. Paragraph 8 of the NPPF makes it clear that these elements are mutually dependent and that they need to be addressed together as part of a balancing exercise. In essence, the application of the balance is an exercise which seeks to understand the beneficial impacts or advantages of any development scheme but then to look at the disadvantages or adverse impacts and whether these would outweigh the benefits and advantages.
- 5.18 It is clear from the analysis above and more detailed assessment below that the wide ranging issues arising from the planning application need to be balanced in terms of their positive and negative sustainability merits. There are a number of positive sustainability merits of the planning application. Matlock is a sustainable settlement, which is suitable to accommodate future housing growth. The town has very good accessibility through the local road network and is well served by public transport. The application proposals (excluding Snitterton Fields) would provide for a well located residential urban extension to the south-western edge of Matlock. The proposed development on the Cawdor Quarry and Permanite sites would provide a significant number of market and affordable homes for which there is an urgent need in Matlock and would help meet some of the five year housing land supply and overall housing requirements in the District. Significant numbers of jobs would be created within the application's proposals directly on site and in the construction phase of the housing and employment development. The development's new residents

could generate significant amounts of new expenditure for the local economy.

- 5.19 Set against these positive sustainability merits is that there are fundamental concerns about the inclusion of the land at Snitterton Fields within the application proposals. The proposed development of this area of land for over 100 dwellings would be likely to have an unacceptable adverse impact on the landscape and landscape character of the wider area and on the setting of the Peak District National Park.
- 5.20 Importantly, DDDC can currently demonstrate a five year housing land supply as required by paragraph 47 of the NPPF. The Cawdor Quarry area of the application is projected to contribute a number of new dwellings to this five year land supply. Both the Cawdor Quarry and Permanite Works areas of the application site also contribute significantly to the overall housing land supply for the District identified in the PSDLP to meet the District's future housing requirement of 6,440 dwellings. Sufficient land has been identified in the PSDLP, therefore, to meet this housing requirement in full. There is no overriding need, therefore, for the inclusion of the area of land at Snitterton Fields to meet any housing land supply shortfall in the District. Accordingly, it is considered that the application proposals are unacceptable in their current form with the inclusion of land at Snitterton Fields, as the inclusion of this land would be contrary to the principles for sustainable development set out in the NPPF.

Priorities of the D2N2 LEP

- 5.21 The proposed site is located within D2N2 LEP area, for which DCC is a constituent authority. The development proposals are broadly in accordance with the Strategic Priorities for Infrastructure in the LEP's SFG 2013-2023, which indicates that the D2N2 LEP recognises the key role of house building and maintenance as drivers of economic activity and demand, particularly for the construction sector. The SFG also recognises that housing is often a key contributor to the viability of industrial and commercial schemes that are part of mixed-use development and an essential element supporting sustainable communities.
- 5.22 The proposed development is broadly compatible with the vision, aims and ambitions of the D2N2 SEP, which sets out the LEP's ambition that the provision of the housing that our economy needs to achieve its growth potential is a crucial component of its overall strategy. The LEP's ambition is to accelerate delivery of 77,000 new homes needed to support growth in the D2N2 area, helping make it an attractive and aspirational place to live and work. Its vision is to accelerate the completion of new housing to support growth and ensure that this is supported by green infrastructure and multi-nodal solutions.

Priorities of the Derbyshire Economic Strategy Statement

- 5.23 The DESS brings together the ambitions and growth objectives of Derbyshire partners and sets out the opportunities to drive economic growth. It has been developed collectively by Derbyshire partners and provides a framework for joint working and the prioritisation of delivery across the County. The DESS has been prepared following a comprehensive consultation process with Derbyshire partners and review of local economic strategies and plans. The Final Version of the DESS was published in June 2014 and has been ratified by all the Derbyshire local authorities.
- 5.24 The planning application proposals are broadly consistent with the priorities of the DESS for land and premises, which seek to facilitate the delivery of strategic housing and employment sites as key drivers to assist in the generation of economic growth in Derbyshire.

6 Housing Land Supply Issues

Five Year Housing Land Supply

- 6.1 It is of fundamental importance in the assessment of the application that DDDC is currently able to demonstrate a five year housing land supply, in accordance with paragraph 47 of the NPPF. In such circumstances, paragraph 49 of the NPPF does not apply in this case, which would otherwise require that there should be a presumption in favour of granting permission for sustainable housing development; and that relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five year supply of deliverable housing sites.
- 6.2 DDDC submitted the PSDLP to the Secretary of State on 16 December 2016. The supporting evidence base included the District Council's Authority Monitoring Report (AMR) 2015/2016, which incorporates the District Council's latest published five year housing land supply assessment. The assessment indicates that at 1 April 2016, the District had a 5.8 year housing land supply assessed in the context of the District's future housing requirement of 6,440 dwellings between 2013 – 2033 set out in the PSDLP. The schedule of sites in the assessment includes land at Cawdor Quarry which has an identified capacity of 432 dwellings. 12 dwellings have previously been completed leaving a residual capacity of 420 dwellings. The assessment indicates that 90 dwellings are expected to be delivered within the next 5 years. In the context of the above, therefore, the Cawdor Quarry part of the application site provides an important contribution to the District's five year housing land supply.

District's Overall Housing Requirement

- 6.3 The PSDLP sets out the District's future housing provision requirement for 6,440 dwellings over the period 2013 to 2033. This requirement meets the

full objectively assessed housing needs (OAHN) of the District, which was recommended in the Derbyshire Dales Housing and Economic Needs Assessment (HENA) (September 2015).

- 6.4 The Cawdor Quarry and Permanite Works parts of the application site are identified as a Strategic Site Allocation under Policy DS9 of in the PSDLP for a total of 479 dwellings and 1 ha of employment land. The Permanite Works site is also identified as a Housing Land Allocation under Policy HC2 (w) for 50 dwellings. The Snitterton Fields part of the application site is not allocated for housing in the PSDLP.
- 6.5 In the context of the above, the Cawdor Quarry and Permanite Works parts of the application site provide for a significant amount of new housing which has been identified to contribute to the District's overall housing requirements up to 2033. Importantly, the PSDLP identifies sufficient land as either allocations or commitments which would meet the overall housing requirement in full. There is no overriding need, therefore, for the additional land at Snitterton Fields to be granted planning permission to meet any five year or Local Plan housing land shortfall in the District

7 Affordable Housing

- 7.1 Due to the large scale of housing development proposed on the site, it is important that the application proposals include a significant proportion of affordable housing.
- 7.2 Saved Policy H10 of the Adopted DDLP requires that within the defined market towns, including Matlock, the District Council will seek to negotiate the provision of 45% of all dwellings as affordable on sites of 15 dwellings or more.
- 7.3 Policy HC4 of the PSDLP indicates that in order to address the significant need for affordable housing across the Plan area, all residential developments of 10 dwellings or more should provide at least 30% of the net dwellings as affordable. Where the proposed provision of affordable housing is below the requirements set out above, the District Council will require applicants to provide evidence by way of a financial appraisal to justify a reduced level of provision.
- 7.4 In the context of the above, the affordable housing requirement for the planning application proposals would range between 176 (30%) and 264 units (45%) depending on which Local Plan policy was applied.
- 7.5 The Planning Statement (PS) submitted by the applicant indicates that 78 of the 586 units would be affordable. This equates to just 13% of the overall total. It is noted that an explanation is provided in paragraphs 10.9 to 10.11 of the PS. This indicates that the extant planning permission for 432 dwellings on the Cawdor Quarry part of the site includes a requirement for 32 (7%) affordable dwellings, which has been carried forward into the

current planning application. An affordable housing requirement of 30% based on Policy HC4 of the PSDLP has then been applied to the uplift in dwellings by 154 units (from 432 to 586), which amounts to 46 affordable units. The overall total for the whole site is therefore 78 affordable units.

7.6 The methodology used to calculate the affordable housing requirement of the whole site appears to be justified and robust. It is disappointing, however, that the total overall level of affordable housing for the application proposals only equates to 13%, which is considerably below the 30% level which would otherwise apply to the whole of the application proposals in the absence of the extant permission of the Cawdor Quarry part of the site.

7.7 As this is a new planning application, the District Council is requested to negotiate further with the applicant to explore whether the level of affordable housing could be increased, subject to viability considerations and the need for other infrastructure developer contributions to be provided.

8 Landscape and Visual Impact Comments

8.1 The NPPF contains a suite of policies relating to the environmental impacts of new development, the most important and relevant of which are set out below.

8.2 Paragraph 17 of the NPPF establishes in its core planning principles that planning should:

- Always seek to secure high quality design and a good standard of amenity;
- Take account of the different roles and character of different areas...recognising the intrinsic character and beauty of the countryside; and
- Contribute to conserving and enhancing the natural environment...Allocations of land for development should prefer land of lesser environmental value.

8.3 These points are in part reinforced at paragraph 109, which states that:

'The planning system should contribute to and enhance the natural and local environment by:

- Protecting and enhancing valued landscapes, geological conservation and soil...'

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8.4 Paragraph 126 advises LPAs that they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

8.5 Paragraph 132 emphasises that when considering the impact of a proposed development on the significance of a designated heritage asset,

great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

- 8.6 DCC's Conservation and Design Officers have carried out a detailed assessment of the planning application, particularly in the context of the Design and Access Statement (DAS), which includes a section relating to Landscape Proposals including a preliminary Landscape and Visual Impact Assessment (LVIA). DCC's Officers' detailed comments and conclusions are set out below.
- 8.7 The overall concept for the proposal as an extension to a spa town is acceptable in principle and despite identifying the incorrect landscape character type – the site lies predominantly within the White Peak: Limestone Slopes landscape character type (LCT) as opposed to the Dark Peak: Settled Valley Pastures – the development does pick up on the limestone characteristics of the former quarry site and incorporates these into the scheme reflected in the retention of the SSSI as part of a linear park but also in the choice of materials and detailing such as dry stone walls.
- 8.8 The assessment identifies 10 viewpoints from around the site that have been used to assess the overall visual impact of the proposal. These represent a broad range of visual receptors including residential properties, public rights of way and road users, as well as views from within the Peak District National Park to the west of the site. Although outside the National Park impacts on the setting of this national landscape designation should be a key factor in the determination of this proposal. The more detailed assessment of the site in the DAS has split the development into a number of zones, the majority of which are directly affected by the former quarry activities or associated industrial activities such as the former Permanite Works.
- 8.9 The zone of greatest concern with respect to potential landscape impacts is zone 8: West Fields also referred to as Snitterton Fields in the submission. This area comprises 4 pastoral fields immediately east of the minor settlement of Snitterton and abutting the Peak District National Park boundary to the west. These fields are gently sloping lower valley sides to the wider Derwent Valley and as such provide the immediate setting to Snitterton - a settlement with a number of important listed buildings, including the Grade 1 listed Snitterton Hall, as well as other notable heritage assets. At the present time this land retains a strongly rural character with the former quarry and Permanite Works site set back and well screened by existing perimeter vegetation. The more urbanised parts of the valley including Matlock are some distance away from Snitterton to the east or north-east. The quality of this landscape is reflected in the fact that this land is part of an area of landscape assessed as being of

Secondary Sensitivity in DCC's identification of AMES with the southernmost fields also being designated as part of a former Special Landscape Area (SLA) – a local landscape designation (see link below).

<http://www.derbyshire.gov.uk/environment/conservation/landscapecharacter/default.asp>

- 8.10 In this context, Officers consider that extension of the Cawdor Quarry and Permanite sites into Snitterton Fields for housing development will have a significant adverse effect on the character of the landscape at this location as well as the setting of the National Park. The proposed visual mitigation of the Snitterton Fields site through the inclusion of individual trees and tree groups scattered through these pastoral fields would be inappropriate to the established character of the landscape and reflects the fact that mitigation is required to address clearly identified adverse effects. If a development has been designed appropriately within the context of local landscape character and local distinctiveness then it should be able to stand on its own merits without the need to screen the development. If a site needs to be screened (to the extent suggested in the DAS) then invariably it suggests that it is the wrong development in the wrong place.
- 8.11 Potential visual impacts pertaining to the proposal are assessed in Section 6: Environmental Appraisal of the DAS. In distant views reflected in viewpoints 1 and 2 the site will be seen as part of the wider backdrop of Matlock and mitigated in part by existing vegetation within the site and distance. In close views to the north (viewpoints 9 and 10) the site is also visually contained by existing vegetation along the River Derwent. However, in more elevated vantage points to the north such as that represented by viewpoint 8, the site is more open and areas like the Upper Crescent will be much more visible. The scale of any visual intrusion from this direction could be mitigated by additional tree planting on the sloping land between the Crescent and the Esplanade parts of the site.
- 8.12 However, the scale of visual impact in closer views from the east and south-east of the site as represented by viewpoints 3, 4, 5, 6 and 7 is more severe. From locations 5, 6 and 7 the visual impact assessment judges the impact to be '*moderate*' following construction of the site reducing to '*minor*' on establishment of the landscape mitigation. Officers do not agree with these judgements and consider that the adverse effects will be much greater than suggested. This is because the photomontages produced with the submission clearly show that from these locations the development of Snitterton Fields would be clearly seen as urban sprawl into a distinctly rural location, the development is permanent, and the landscape mitigation proposal is also at odds with the character of the wider landscape. From viewpoints 5, 6 and 7 in particular, which includes locations within the National Park, the impacts would be major and adverse and therefore significant.

- 8.13 In its current form with the inclusion of the Snitterton Fields area, the application is considered to be unacceptable due to the significant adverse effects on landscape character and visual amenity. The existing vegetation around the western perimeter of the quarry and the former Permanite site provide a logical end to the site and development limited to this extent could then be made acceptable.

9 Minerals Issues

Adopted Derby and Derbyshire Minerals Local Plan

- 9.1 It has been a long standing aim of national and DCC and Derby City Council (the City Council) minerals planning policy to protect mineral deposits of economic importance from unnecessary sterilisation by surface development. Mineral resources may be sterilised either directly or indirectly where other forms of non-mineral development are allowed to encroach so close as to inhibit the working of adjoining areas. Safeguarding is implemented through the consultation process and, therefore, whilst DCC and the City Council as the joint Mineral Planning Authority (MPA) is not normally the determining authority for non-mineral development proposals, it is consulted on applications which could have the effect of sterilising mineral deposits. The Carboniferous Limestone resource, upon which the application site lies, is identified in the adopted Derby and Derbyshire Minerals Local Plan (DDMLP) as a Mineral Consultation Area (MCA).
- 9.2 DDMLP's safeguarding policy (MP17) states that the MPA will resist proposals for any development which would sterilise or prejudice the future working of economically workable mineral deposits. Exceptions to this policy are where there is an overriding need for the development and prior extraction cannot reasonably be undertaken, or is unlikely to be practicable or environmentally acceptable.

NPPF and National Planning Practice Guidance

- 9.3 Paragraph 143 of the NPPF sets out that Local Plans should define Mineral Safeguarding Areas (MSA) and include policies to ensure that known locations of specific mineral resources are not needlessly sterilised by non-mineral development. MCAs should then be defined based on these MSAs. It also sets out at paragraph 144 that other development proposals in MSAs should not normally be permitted where they might constrain future use for mineral purposes.
- 9.4 National Planning Practice Guidance (NPPG) sets out that whilst district councils are not mineral planning authorities, they have an important role in safeguarding minerals having regard to the local minerals plan when identifying suitable areas for non-mineral development in their local plans. District councils should show MSAs on their policy proposals maps.

- 9.5 NPPG also sets out that in areas where there are county and district authorities, responsibility for safeguarding facilities and sites for the storage, handling and transport of minerals in Local Plans will rest largely with the district planning authority. Exceptions will be where such facilities and sites are located at quarries or aggregate wharves or rail terminals.

Emerging Derbyshire and Derby Minerals Local Plan

- 9.6 The County and City Councils are preparing a new Minerals Local Plan, which will plan for mineral development up to 2030. The Councils are developing an approach towards safeguarding in the light of the NPPF and have consulted on this matter as part of the Towards a Minerals Local Plan Consultation during 2015/2016. This proposes that the whole of the Carboniferous Limestone resource should continue to be safeguarded. This approach has received support through public consultation on this issue. A strategic policy is being developed in the emerging Minerals Local Plan to avoid the sterilisation of important mineral resources from non-mineral development, including the need to ensure that where such development is located within the vicinity of permitted mineral sites and mineral site allocations it would not unduly restrict mineral operations.

Assessment

- 9.7 The application site includes the former Cawdor Quarry, which was worked for limestone and fell into disuse in the 1950s. There is no information provided within the planning application's supporting documentation on whether the Cawdor Quarry part of the proposed site contains potentially workable resources of limestone. Given the scale of the proposal it would be appropriate to request the applicant to provide further supporting information, which assesses the quantity and quality of the underlying limestone and the viability and practicality of extracting the mineral prior to, or as part of, the development of the site.
- 9.8 Even if there are found to be no economically workable deposits remaining within the site, there are occasions when extraction of at least some of the mineral as part of a development can assist in the preparation of the site in terms of site levels etc. The applicant is also requested to give consideration this matter.

I hope the comments above are of assistance in the assessment of the planning application. Please contact my officer, Steve Buffery on 01629 539808, if you wish to discuss the comments further.

Yours sincerely



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Mike Ashworth

Strategic Director – Economy, Transport and Communities

