Ms. Carmel Edwards,
Programme Officer,
7% Derbyshire Dales District Council,
Town Hall,
Matlock,
Derbyshire.
DE4 3NN.

Dear Ms. Edwards,

DERBYSHIRE DALES LOCAL PLAN – MAIN MODIFICATIONS (MMs) And ADDITIONAL MODIFICATIONS (AMs)

I refer to your letter dated 13th July 2017 which raises a number of issues in regard to the Main Modifications (MMs) and Additional Modifications (AMs) proposed to the Derbyshire Dales Local Plan. Following the completion of the public consultation exercise on the MMs and AMs, the District Council is in a position to respond to the issues raised by the Inspector.

**MM4** – the District Council acknowledge the Inspector’s comment that the reference to development in 5th tier settlements being allowed ‘in certain circumstances, on the edge of the village’ in paragraph 4.21 should be deleted as this extends beyond the terms of Policy S3. The District Council accepts this amendment.

In relation to Policy S3 itself and the 5th tier, it is the intention that brownfield sites would need to be on the edge or close to settlements. The District Council raises no objection to the policy being amended to read: ‘or where there are opportunities for the redevelopment of brownfield sites on the edge of settlements which will result in a positive environmental improvement; ..’

**MM5** – the criteria for the delineation of Settlement Development Boundaries is outlined at paragraph 4.23 of the Pre-Submission Draft Derbyshire Dales Local Plan. Criterion (iv) acknowledges that the inclusion of buildings which stand in extensive grounds would depend on their relationship to the overall fabric of the settlement. In some cases, their isolation caused by their spacious setting would justify total exclusion. This is the situation that applies to land south of Old Hackney Lane in the vicinity of the Whitworth Hospital which has extensive grounds abutting Old Hackney Lane and a horticultural nursery. Land to the east of site allocation HC2(i) comprises residential properties in extensive grounds adjacent to dense woodland which abuts residential development at Stanton Moor View. The inclusion of all land to the south of Old Hackney Lane is not considered to be justified or necessary in light of the housing provision that is provided for within the Local Plan (as amended).

*cont'd ....*
2.
Ms. Carmel Edwards,
Programme Officer,

MM10 – the Inspector’s comments are noted and accepted.

MM13 – the figure of 17% flexibility is considered to be the correct figure. This is calculated on the basis of 6684 (actual provision) divided by 5680 (OAN requirement) x 100 = 117.67%. Alternatively, 5680 + 17.67% = 6684. The degree of flexibility is therefore 17.6%

MM16 - the Inspector’s comments are noted and accepted.

MM20 - the Inspector’s comments are noted and accepted.

MM32 - the Inspector’s comments are noted and accepted.

AM1 - the Inspector’s comments are noted and accepted.

Policy HC15 – in order to be an Asset of Community Value (ACV) a building or land must further the social wellbeing or social interests of the local community. In this regard, in order to be listed the asset should be of some benefit to the wider community rather than just a small cohort.

In regard to care homes, approaches vary. A number of authorities include ‘care homes’ in their website lists as buildings that might qualify for listing e.g. Craven, Scarborough, Eden, Thurrock, and Epping Forest. The approach taken is that where a care home just offering residential care may not qualify for listing, one offering services to the wider community e.g. local church services, community rooms etc., might qualify. However, the District Council acknowledges that criteria (c) would not be reasonable to apply to such uses, as such the Inspector’s comments are noted and accepted.

Policy HC21 - the Inspector’s comments are noted and accepted.

In addition to the above, the District Council wishes to draw the Inspector's attention to the following matters for information purposes:-

Policy HC2(e) – Land North of A52 Brailsford

Following the EIP Hearing Sessions, an appeal decision (APP/P1045/W/17/3167362) has been received in respect of part of site HC2(e) (plan attached). The appeal permits development for 75 dwellings on a larger site to that identified within the Pre-submission Draft Local Plan.

Land off Old Road, Darley Dale

An appeal decision (APP/P1045/W/16/3160553) has been received in respect of land off Old Road, Darley Dale (plan attached). This site was the subject of representations submitted by Wildgoose Homes and considered at the EIP (Matters 10 and 11, Session 13). The appeal has been dismissed on the grounds that the proposal would result in significantly harmful landscape and visual effects and would harm the character and appearance of the area (Appeal decision paragraph 45).

Dorcas Bunton, B.Sc., C.P.F.A.
Chief Executive
Town Hall, MATLOCK, Derbyshire. DE4 3NN
For general enquiries telephone 01629 761100 or visit www.derbyshiredales.gov.uk

Information communicated to the District Council may be disclosed to the public under the Freedom of Information Act 2000
Policy DS8: Land at Ashbourne Airfield (Phase 2)  
PM12 – Amendment to Site Boundary at Ashbourne Airfield (Phase 2)  

As a consequence of PM12 which included the inclusion of additional land into Phase 2 of the Ashbourne Airfield development, there is as a consequential change to the site area at Policy DS8. The amended site area is 58.68ha not 49.93ha. The site area quoted at Policy HC2(c) is correct at 49.93ha.

Yours sincerely,

Paul Wilson  
Corporate Director
The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.

The appeal is made by Wildgoose Homes against the decision of Derbyshire Dales District Council.

The application Ref 16/00041/OUT, dated 21 January 2016, was refused by notice dated 13 April 2016.

The development proposed is residential development of up to 60 dwellings (outline).

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline, with all matters reserved. I have dealt with the appeal on that basis, treating the proposed site layout and sketches as illustrative.

Main Issue

3. The main issue in this case is the effect of the proposal on the character and appearance of the area with specific reference to landscape character and the Matlock to Darley Dale A6 corridor.

Reasons

Character and appearance

4. The appeal site is an irregular trapezium shaped parcel of land bound by Old Road to the south and the A6 Dale Road to the north and is located approximately 400m south east of the Dale Road/Station Road junction. The land is set to grass and is used for the grazing of horses. The field boundaries alongside the A6, Old Road and the south eastern boundary are defined by stone walls and the north western boundary is defined by a hedgerow with occasional trees.

5. The settlement of Darley Dale is situated within the valley of the River Derwent, on the edge of the Peak District National Park which overlooks the valley from the west and south west. The river floodplain contains the settlement on its south western side. To the north east steeply sloping valley sides’ rise up to moorland at Sydnoppe Hill, Round Hill and Black Hill. The main part of Darley Dale extends along either side of the A6.

6. The surrounding area is characterised by a mixture of sporadic residential and commercial development, open fields and significant levels of vegetation. Land immediately to the south of the site is in a range of uses including residential,
agricultural and a carriageway museum. There is an extensive row of mature trees located along the southern side of Old Road.

7. Policy NBE8 of the Derbyshire Dales Local Plan (Local Plan) (2005) states that planning permission will only be granted for development that protects or enhances the character, appearance and local distinctiveness of the landscape.

8. Policy NBE9 of the Local Plan seeks to protect the Important Open Spaces alongside the A6 through Darley Dale in recognition of their role in preventing the coalescence of settlements. The emerging Local Plan continues the commitment to safeguard the intrinsic character and quality of the open spaces and to prevent the further coalescence of Matlock and Darley Dale.

**Landscape effects**

9. The submitted Landscape and Visual Impact Assessment January 2016 (LVIA) identifies that the site falls within National Character Area 51 ‘Dark Peak’ which extends over a large area of north-west Derbyshire.

10. At a regional level, the Landscape Character of Derbyshire\(^1\) shows the site within the landscape character type ‘Settled Valley Pastures’. This is described as ‘a settled, pastoral farming landscape on gently sloping lower valley sides, dissected by stream valleys. Dense watercourse trees, scattered boundary trees and tree groups around settlement contribute to a strongly wooded character’.

11. The Derbyshire Dales District Council Landscape Sensitivity Study (the LSS) (2015) identifies the land to the south and south east of Darley Dale as being of high sensitivity. In contrast to the LSS, the LVIA categorises the sensitivity of the site character and its fabric to the type of change proposed as ‘Low’ or ‘Low’ to ‘Medium’ on the basis that whilst it exhibits positive character the field is farmed as improved pastureland with grazing the main activity and as there are no specific features or habitats which could be assessed as being of high value. It also considers that the site adjoins the existing built development on the edge of Darley Dale and would not, on its own, lead to the coalescence of settlements.

12. However, the local landscape to the south and west of the A6 and outside the floodplain demonstrates most of the characteristics of the ‘Settled Valley Pastures’ landscape character type. Indeed, some of the attendant characteristics are apparent on the appeal site itself including pastoral farming with improved pasture; wooded character with scattered hedgerow trees to the western boundary; and small irregular fields enclosed by mixed species hedgerow and occasional stone walls.

13. Even taking into account the proposed housing allocation at land adjacent to the commercial building, the site would be separated from the main built-up edge by the Warney Brook valley and adjoining fields. In addition, the site is open on its eastern edge and thus has a high visual prominence from the A6 and is also highly visible from Old Road to the west. Furthermore, the site lies within the area of land between Two Dales and Upper Hackney and thus plays a role in helping to prevent the coalescence of settlements. For those reasons and on the basis of the criteria set out in the LSS, I consider that the site has a high susceptibility to change and a high sensitivity to the type of development proposed.

14. The proposal would be for around 60 dwellings and the indicative plans show housing set back from the A6 with new tree planting and green buffer along the

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\(^1\) The Landscape Character of Derbyshire, Derbyshire County Council
boundary, off street parking, flood balancing and a children’s play area. The existing pavement would be widened and a new low stone wall built to match the existing. The vehicular access would be off Old Road and housing and trees would front Old Road. The proposed access would lead to a central green space with play area and swale.

15. The LVIA assesses that the proposed development would initially have a ‘Moderate’ to ‘Major Adverse’ significance of effect upon the character of the site and its fabric during the construction phase and at completion (year 0) reducing to ‘Minor Adverse’ significance of effect at year 15 when the structures and landscape have matured. In the immediate vicinity of the site during construction and completion, the LVIA considers that the significance upon landscape character would be ‘Moderate Adverse’. In the broader landscape, the significance of effect is assessed as ‘Minor Adverse’ due to the location of the development adjacent to existing and established developments within the A6 corridor as well as the influence of local trees and woodland. At year 15 when landscape treatment and planting has established the significance of effect is assessed as ‘Negligible to Minor Adverse’.

16. Although some ribbon development has taken place along the A6 corridor, there are large areas of agricultural land and other rural land uses which remain including the appeal site. The site exhibits positive character and includes characteristics of the ‘Settled Valley Pastures’ landscape character type. The River Derwent is undoubtedly an important feature of the wider landscape. However, I consider that the Warney Brook and its tree lined banks also have a significant presence in the context of the landscape to the south of Darley Dale. The immediate valley of the Brook is quite contained and defined by the trees which line its sides. The appeal site is only separated from the Warney Brook by one field and there are clear views of the tree lined Brook from the appeal site. Furthermore, to the south of the commercial building, garage and garden centre there are also views along its valley to the moorland to the north east. Consequently, I consider that the appeal site forms part of the wider network of fields which provide the landscape setting for Brook.

17. The line of trees on the south side of Old Road screens views to the River Derwent and the Peak District National Park to a degree. Nonetheless, views exist of the hills above the trees and filtered views through the trees and in winter views would be more apparent.

18. Furthermore, I consider that the appeal site together with the field opposite also make a significant contribution to the setting of the village itself, acting as a gateway when approaching from the south. Residents who regularly use the A6 have clear views across the site due to its open nature adding to the site’s value to the local community. Whilst the development of the site would not lead to the coalescence of settlements on its own it would, nevertheless, contribute to the further coalescence of Darley Dale/Two Dales and Hackney/Upper Hackney. Consequently, I consider that the site makes a significant contribution to landscape character within the immediate vicinity of the site, the wider landscape and the character and appearance of the area.

19. In terms of the physical landscape effects, the field boundaries such as the stone wall and the boundary trees and hedgerow to the north western boundary of the site would be kept. The existing boundary walling beside the A6 would be realigned in order to widen the roadside footpath. Thus, those elements of the landscape character type would be retained. Nonetheless, the agricultural character of the site would change significantly to that of a residential, urban nature. It would result in the loss of the irregular shaped field and improved pasture which are representative
of the landscape character type. It would also result in the loss of a field which forms part of the wider field pattern of the Warney Brook valley to the south of Darley Dale.

20. It would introduce substantial built development resulting in a significant loss of openness, a feature of the north-eastern boundary of the site. It would also result in the loss of visual connectivity currently enjoyed along the Warney Brook to the high moorland in the north east and to a lesser extent the PDNP to the west. Furthermore, the open landscape setting to the south of the village and the gateway feature would be lost. Moreover, the development would reduce the undeveloped frontage to the A6 by approximately 135m and erode the allocated Important Open Space which seeks to prevent the coalescence of Darley Dale and Matlock. Consequently, I agree with the Council that the LVIA has failed to recognise the significance of the above factors.

21. The proposal would result in a marked, permanent and irreversible change to the site itself, the immediate vicinity of the site and the wider landscape. Given the prominence of the site on the A6, a key approach into Darley Dale the impact would be keenly felt by local residents. Consequently, I find that the LVIA underestimates the magnitude of impact and significance of effect on landscape character of the proposal on both the immediate and wider landscape. I, therefore, consider that the magnitude of impact on the character of the site during construction and completion would be ‘High Adverse’ which in a landscape of high sensitivity to the proposed change would result in a 'Major Adverse' significance of effect. The significance of effect in the immediate vicinity of the site and the wider landscape during construction and at completion (year 0) would also be ‘Major Adverse’.

22. The proposed landscaping would soften the appearance of the development to a degree; however, there is no guarantee that this vegetation would remain in perpetuity. The proposed landscaping would take some time to establish and even at 15 years would not be fully mature. The impact of the development would, therefore, be experienced for a significant period of time. Furthermore, trees may need to be removed and any replacement planting would inevitably take time to establish. Even in the longer term, I do not consider that landscaping would fully mitigate the harm to the landscape which I have identified. As a result, I only place limited weight on the value of vegetation in screening the development during its lifetime.

23. Moreover, the proposed landscaping would not mitigate for the loss of the specific landscape characteristics, loss of openness or the coalescence of settlements. For the above reasons, I find that the LVIA overplays the effect of landscaping in mitigating the impact of the development. Indeed, the proposed landscaping along the A6 would enclose the north-east boundary compounding the loss of openness at this location.

24. Consequently, I consider that at year 15 the magnitude of impact arising from the development would still cause a noticeable deterioration in the view and would, therefore, only be reduced to ‘Medium Adverse’ as a result of the landscaping. In a landscape of high sensitivity, I consider that the significance of effect would be ‘Moderate to Major Adverse’, particularly in the immediate vicinity of the site.

25. I, therefore, conclude that the LVIA underestimates landscape sensitivity of the site, the magnitude of change and the impact significance. I also consider that the LVIA significantly overplays the extent to which the proposed landscaping would mitigate this impact.
Visual Impact

26. The LVIA established a Theoretical Zone of Visibility as a starting point for the assessment of the visual effect of the proposal. It goes onto undertake a baseline assessment of visual receptors likely to be affected by the development and contains a number of representative viewpoints taken from specified locations, finding no more than a ‘Moderate to Major Adverse’ significance of visual effect during construction and completion and no more than a ‘Low Adverse’ significance of visual effect at 15 years when the landscaping has matured. The assessment of visual effects contained in the LVIA has been revisited by the appellant’s landscape consultant. For the avoidance of doubt, I have used this updated table as the basis for the determination of the appeal in conjunction with the written commentary in the LVIA.

27. The LVIA identifies three key categories of visual receptors including residents, amenity users and road users. It assesses that the significance of visual effect in the immediate vicinity of the site on Old Road (viewpoints 1 and 2) and the A6 (view point 3) would be ‘Moderate to Major Adverse’ during construction and at year 0 reducing to ‘Moderate Adverse’ once the proposed landscaping has matured (year 15). However, although the development would be set back and a degree of permeability may be retained, the proposal would result in a significant amount of built development in close proximity to highly sensitive visual receptors (residents, motorists, pedestrians, visitors to the museum and area) on the A6 and Old Road and the loss of open views across the site.

28. The proposal would result in a significant change to the character of the site from agricultural to urban. It would result in the loss of open views currently experienced across the site and the loss of the visual connection along the Warney Brook Valley to the moorlands in the north east. As such the proposal would result in a marked, permanent and irreversible change in views in the immediate vicinity of the site. Consequently, the proposal would result in a significant deterioration in the view and that the significance of effect at viewpoints 1-3 would be ‘Major Adverse’ at construction and year 0.

29. Even at year 15, the landscaping would not be fully mature and the development would still be clearly visible, albeit in filtered views, for the lifetime of the development at all 3 viewpoints. Indeed the proposed landscaping along the A6 would lead to a further loss of openness. Furthermore, for the reasons stated at paragraph 22 above, I only place limited weight on the value of vegetation in screening the development during its lifetime. Consequently, I consider that the magnitude of effect on highly sensitive visual receptors would be ‘Medium Adverse’ and the significance of effect would be ‘Moderate to Major adverse’ at year 15 in the vicinity of the site.

30. In response to concerns raised by the Council, an addendum to the LVIA assessed the visual effects of the proposed development from viewpoints to the north and east. At Oddford Lane (viewpoint 7), the LVIA assesses the overall significance of visual effect at construction and year 0 as ‘Moderate to Major Adverse’ reducing to ‘Low to Moderate Adverse’ at year 15 on the basis that the site is largely screened by a roadside hedge. However, on my site visit I noted that the appeal site is clearly visible in views over the hedge and across the field and would be visible by receptors of a medium to high sensitivity including residents, pedestrians and cyclists and to lesser extent motorists. Whilst the commercial building to the north-west of the appeal site is visible, the overwhelming impression is that of a rural landscape. The higher hills of the Peak District are visible above the trees and in winter, filtered views of the Peak District would be visible through the trees.
31. There would be views across the hedgerow and a grassed field to the north-eastern boundary of the housing development with dwellings off-set to the A6. The proposal would introduce substantial built development significantly changing the view to one of a more urban nature. The filtered views through the trees in winter of the Peak District hills would also be lost. Although views above the trees of the Peak District hills would remain visible, residential development would dominate the foreground. Consequently, I consider that the overall significance of effect at construction and year 0 would be ‘Moderate to Major Adverse’. Once again, I find that the ability of landscaping to screen the development has been over-estimated. Consequently, I find that the significance of visual effect from viewpoint 7 at year 15 would be ‘Moderate Adverse’.

32. The LVIA assesses the overall significance of visual effect at viewpoint 8, at the northern end of Holt Road as ‘Negligible to Low Adverse’ at construction stage and at year 0 on the basis that the site would only be partially visible in the middle distance to the south of the factory site due to screening afforded by existing buildings and mature trees. However, this location has broad elevated views across the Derwent Valley, south of Darley Dale to the western horizon in the Peak District National Park and the proposal would, therefore, still be clearly visible and cause a minor deterioration in view from this location resulting in a ‘Low Adverse’ magnitude of change. Taking into account the medium to high sensitivity of receptors, I consider that the overall significance of effect would be ‘Moderate Adverse’. At year 15, given the limited weight to which I attach to landscaping, the significance of visual effect would reduce to ‘Minor to Moderate Adverse’.

33. Viewpoint 9, Holt Road Centre is located 100m south of viewpoint 8 from a location approximately half way along Holt Road. The LVIA concludes that, although VP9 is slightly further away the visual impacts would be similar to those experienced from VP8 and I agree. Thus my conclusions in respect of viewpoint 8 also apply to viewpoint 9.

34. Viewpoints to the west of the site were assessed at the Derwent Valley Heritage Way (viewpoint 4), the Square and Compass Public House/Flatts Farm Darley Bridge (viewpoint 5) and off Kirby Lane, Darley Bridge (viewpoint 6). The LVIA considers that the overall significance of visual effect would be negligible at construction, year 0 and year 15. I observed on my site visit that the development would be largely screened by mature trees and existing buildings on Old Road and as such I agree that the proposal would not result in a noticeable deterioration or improvement in the views from viewpoints 4, 5 and 6 to the west. Consequently, I have no reason to disagree with this assessment.

35. In terms of the visual impact of the proposal, I conclude that the LVIA has underplayed the magnitude of visual impact particularly in the immediate vicinity of the site and to a lesser degree at view points to the north and east of the site. In particular, I consider that the LVIA has significantly overplayed the ability of landscaping to screen the visual impacts of the proposal.

**Cumulative Landscape and Visual Effects**

36. The Darley Dale to Matlock A6 corridor retains an agricultural landscape character, although there is some development on either side of the A6. Policy NBE9 of the Local Plan seeks to protect Important Open Spaces alongside the A6 through Darley Dale in order to prevent the further coalescence of Matlock and Darley Dale. Criterion D states that planning permission will only be granted for development on open spaces in this area if it does not have an adverse impact upon the open character of the area.
37. The LVIA concludes that the design for the development maintains visual connectivity between the areas north east and south west of the site. It states that due to the small scale of the proposed development, it will have very limited impact on the separate identities of Darley Dale and Matlock. Attention is drawn to a number of sites which have been granted planning permission by the Council and/or allocated in the emerging Local Plan. The appellant considers that the Council has been inconsistent in applying the LSS and also with regards to the site assessment in the Strategic Housing Land Availability Study (SHLA) and the consideration of other planning permissions within the area designated as an Important Open Space.

38. Limited information is before me in relation to land adjacent Bakewell Road, however, I note that the site was deemed to be undevelopable and constrained in the SHLA partly due to flood risk and impact on landscape character. The site situated to the rear of RBS to the north west of the site is a draft allocation in the emerging Local Plan. However, I noted that the site immediately abuts the settlement edge of Darley Dale and has a greater level of visual containment than the appeal site.

39. The former St Elphin’s school site is the redevelopment of a former private school with accommodation for those over age 55 along with an incorporated care facility as an exception to open market housing. The development is, therefore, on previously developed land, although some of the development is outside the footprint of the former school.

40. The Meadow View Care Centre is an associated development to the Whitworth Hospital site providing care for the community and is now open market housing. The Poppy Field’s development is an affordable housing site which was allowed as an exception to policy on a former nursery site. I noted on my site visit that the Poppy Field’s and Meadow View development are adjacent to the built up area of Matlock. Allocation HC2 (K), Normanshurst would be situated behind the existing residential development and Council building and set well back from the road and would, therefore, have less visual impact than the appeal proposal.

41. For the reasons stated, I consider that none of these cases are directly comparable to the appeal proposal which limits the weight which I can attach to them in my Decision. In any event, they do not alter the landscape and visual effects that would arise from this scheme. Furthermore, these cases serve to demonstrate the need to protect the remaining area of open space in order to avoid a coalescence of Darley Dale and Matlock. I have insufficient evidence before me to assess the assertion that the site assessment in the SHLA has been inconsistent.

42. The LVIA concludes that due to the existing and proposed enclosure of the site the significance of long term, residual cumulative visual effect arising from the development would be negligible to minor adverse. However, it seems to me that the LVIA and subsequent evidence for the appellant significantly down plays the landscape and visual effects of the development and I have found that the likely impacts would be greater. In particular, the development would have a significantly harmful landscape and visual effect in the immediate vicinity of the site. I also find that the LVIA significantly overplays the role of the proposed landscaping in screening the appeal proposal. Furthermore, the proposal would reduce the agricultural ‘gap’ alongside the A6 by 135m resulting in the further coalescence of Matlock and Darley Dale.

43. For the reasons stated, I conclude that the proposal would result in significantly harmful landscape and visual effects and harm the character and appearance of the area. It would, therefore, be contrary to Policies NBE8 and NBE9 of the Local Plan.
Furthermore, conflict arises with paragraphs 17 and 109 of the National Planning Policy Framework (the Framework) which states that planning should take account of the different roles and character of different areas, recognise the intrinsic character and beauty of the countryside and protect and enhance valued landscapes. I have had regard to the indicative plans of the proposal in reaching this conclusion. Moreover, it appears to me that it would not be possible to develop the site for up to 60 dwellings in any other way without causing similar harmful effects on the landscape and character and appearance of the area.

Other matters

44. A signed section 106 agreement has been submitted which would make provision for obligations for 30% (up to 18 units) affordable housing on site with an 80/20 split in favour of social rented units and an education contribution of £136,788 for the creation of 12 additional primary school places at Darley Churchtown CE Primary School. I understand that the latter is merely that which is necessary to offset any harm to education provision in the area which would be caused by the scheme.

Planning balance

45. I have concluded that the proposal would result in significantly harmful landscape and visual effects and would harm the character and appearance of the area. Conflict, therefore, arises with paragraph 17 and 109 of the Framework.

46. On the other hand, the proposal would contribute to housing supply, including affordable housing. It would also have some economic benefits in the short term during the construction phase and in the longer term as occupiers would support local businesses. Furthermore, parties agree that the appeal site has access to public transport and local services. These factors weigh in favour of the proposal.

47. Paragraph 49 of the National Planning Policy Framework (the Framework) states that 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 housing sites. Paragraph 59 of the recent Supreme Court judgment\(^2\) of 11 May 2017 makes it clear that the primary purpose of paragraph 49 is to trigger the operation of the tilted balance in paragraph 14 where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites.

48. At the time the Council determined the application it did not have a five year supply of housing. However, based on recent analysis of development that will come forward in the next five years in order to support the emerging development plan it now considers that it can identify a five year supply of housing equivalent to 5.82 years. The Council also considers that allocations within the emerging local plan will provide sufficient supply over the plan period as a whole. The appellant’s latest position is that there is only a 4.3 years supply of housing land, revised from an earlier assessment of 3.6 years supply.

49. Discussion took place at the hearing regarding a number of issues relating to housing supply including whether the 2012 or 2014 sub-national population and household projections should be utilised; whether the Sedgefield or Liverpool method should be used for dealing with any shortfall; whether a non-implementation allowance should be applied to sites with planning permission; and the likelihood of proposed housing sites in the emerging plan coming forward in the

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\(^2\) Suffolk Coastal District Council v Hopkins Homes Ltd and SSCLG, Richborough Estates Partnership LLP and SSCLG v Cheshire East Borough Council
five year period. The evidence before me on this latter point is very limited. Overall, I therefore find evidence relating to housing land supply to be inconclusive.

50. However, even if there is only a 3.6 or 4.30 year supply of housing land as the appellant suggests, and that as a result paragraph 14 is triggered, having regard to the Framework as a whole, I conclude that the adverse impacts of granting permission for this scheme would significantly and demonstrably outweigh the benefits.

51. I have concluded that the proposal would result in significantly harmful landscape and visual effects and harm the character and appearance of the area. Conflict, therefore, arises with paragraphs 17 and 109 of the Framework. The proposal would not, therefore, constitute sustainable development.

**Conclusion**

52. For the reasons stated and taking all other considerations into account, the appeal should be dismissed.

*Caroline Mulloy*

Inspector
**APPEARANCES**

FOR THE APPELLANT:

Richard Piggot  Planning and Design Practice Ltd  
Ian Reid  Ian Reid Planning (Landscape Consultant)  
R Spears  Wildgoose Homes  
Chris May  Pegasus Group  
Johnathon Wildgoose  Wildgoose Homes  

FOR THE LOCAL PLANNING AUTHORITY:

Helen Frith  Derbyshire Dales District Council  
Howard Crow  Derbyshire Dales District Council  
Paul Wilson  Derbyshire Dales District Council  

Evidence Submitted at the Hearing:

1) Updated Appendix 1 of the Council’s statement.  
2) Map showing planning permissions; existing and emerging local plan allocations in the area of Important Open Space.
Appeal Decision

Hearing held on 28 June 2017
Site visit made on 28 June 2017

by B Bowker  Mplan MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 08 September 2017

Appeal Ref: APP/P1045/W/17/3167362
Land off Main Road, Brailsford, Derbyshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Gladman Developments against the decision of Derbyshire Dales District Council.
- The application Ref 16/00567/OUT, dated 3 August 2016, was refused by notice dated 16 November 2016.
- The development proposed is outline planning permission for up to 75 residential dwellings (including up to 35% affordable housing), introduction of structural planting and landscaping, informal public open space and children’s play area, surface water flood mitigation and attenuation, vehicular access point from Main Road and associated ancillary works. All matters to be reserved with the exception of the main site access.

Decision

1. The appeal is allowed and outline planning permission is granted for 75 residential dwellings (including up to 35% affordable housing), introduction of structural planting and landscaping, informal public open space and children’s play area, surface water flood mitigation and attenuation, vehicular access point from Main Road and associated ancillary works. All matters to be reserved with the exception of the main site access, at Land off Main Road, Brailsford, Derbyshire, in accordance with the terms of the application Ref 16/00567/OUT, dated 3 August 2016, subject to the conditions in the attached schedule.

Preliminary Matters

2. The proposal as submitted is for outline planning permission with all matters reserved apart from access. Appearance, landscaping, layout and scale are reserved for later consideration and the appeal has been determined on this basis. The layout plan and illustrative material submitted with the planning application has been taken into account for indicative purposes.

3. A Unilateral Undertaking (UU) has been submitted by the appellant taking into account the views of the Council. As the UU was not signed and dated, I allowed the appellant two working days at the hearing to provide a completed version. The completed version was duly received and has been taken into account in my determination of the appeal.

4. It was explained during the hearing that the appellant’s housing land supply representative and the Council had discussed the matter of housing land supply...
at a recent Inquiry\(^1\). Consequently the parties choose to submit the cases put forward at the Inquiry to form the basis of their cases at the hearing. Updates were provided at the hearing in relation to aspects of the respective cases and the appeal has been determined on this basis.

5. At the time of the hearing, an application\(^2\) seeking outline permission for residential development on the eastern section of the site had been deferred from the Council’s May 2017 Planning Committee in anticipation of additional highway safety information. Following the hearing, outline permission was granted for residential development on the eastern section of the site. Comments were sought regarding the effect of this matter on the proposal and the appeal has been determined accordingly.

6. A signed Statement of Common Ground (SOCG) between the appellant and the Council was provided as part of the appeal documentation. The SOCG records that following the submission of additional evidence the Council no longer seek to defend its reasons of refusal relating to highway safety and protected species.

7. Based on all I have seen and read, I have no reason to question the Council’s acceptance of these matters. Consequently my determination of the appeal focusses on the main issues identified below.

**Main Issues**

8. The main issues are:

- Whether or not the Council is able to demonstrate a five-year supply of housing land for the area;
- The effect of the proposal on the character and appearance of the surrounding area;
- The planning balance: Whether the proposal comprises sustainable development as defined by the National Planning Policy Framework (the Framework) and whether the adverse impacts of approving the development would significantly and demonstrably outweigh the benefits.

**Reasons**

**Policy Background**

9. The appeal site comprises two fields located to the western edge of Brailsford. Outline permission has been granted for the development of 32 dwellings on the eastern field. For planning purposes, the site is not located within the settlement of Brailsford as defined by saved Policy SF4 of the 2005 Derbyshire Dales Local Plan (DDLP).

10. The emerging Local Plan (LP) has allocated the eastern field for housing and defines the western field as being outside the settlement. The emerging LP is currently under examination with a number of modifications proposed to meet concerns raised by the Examining Inspector. Paragraph 216 of the Framework states that decision-takers may give weight to relevant policies in emerging plans according to the stage of preparation, the extent to which there are

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\(^1\) APP/P1045/W/16/3152087

\(^2\) Council Ref 17/00026/OUT

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unresolved objections and the degree of consistency of the policy with the Framework. This is a matter I return to as part of the planning balance exercise.

11. Saved policies of the 2005 DDLP form the current development plan for the area. As the DDLP is based on outdated housing needs information and does not envisage housing development beyond the end of its plan period, the Council state that paragraph 14 of the Framework is engaged. In this respect, the parties agree that Policy SF4 should not be considered up to date and thus should be afforded limited weight.

12. The Council consider that with reference to the emerging LP, they can demonstrate a five year supply of housing land. Consequently, the Council are of the view that the contribution of the proposal to housing supply should be afforded limited weight when applying the planning balance required by paragraph 14 of the Framework. The appellant has a number of concerns regarding the housing land supply put forward in the emerging LP.

**Housing Requirement**

13. Of relevance, in order to boost significantly the supply of housing, paragraph 47 of the Framework requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements. Footnote 11 of paragraph 47 states that to be considered deliverable, sites should be available now, offer a suitable location for development, and be achievable to ensure that housing will be delivered on site within five years.

14. The appellant notes that the GL Hearn Housing Need update (HEDNA - February 2017) forms part of the main modification consultation and considers that it would not provide fully for affordable housing need. However, the parties agree that the HEDNA update sets out the housing need for the area which is 284 dwellings per annum from 1 April 2017 – 31 March 2022, giving a total five year need of 1420 dwellings. The parties also agree that a 20% buffer should be applied, the extent of the previous housing shortfall and that the Sedgefield method should be used. Including a 20% buffer and the previous shortfall gives a housing requirement of 454 dwelling per annum, equating to 2270 over the five year period.

**Housing Supply**

15. The appellant considers that the Council can demonstrate a housing land supply of 4.42 years whilst the Council consider it has 6.70 years of supply which includes a lapse rate of 5%. The parties dispute the level of contribution that windfall development, committed sites and allocated sites will make to housing supply.

16. Windfall. The appellant contends that the inclusion of windfall contributions from years 1 and 2 could result in double counting and not account for lead in times. An appeal decision is cited by the appellant in which the Inspector accepted that the first two years of windfall supply should be discounted taking into account the necessary lead in period.

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3 APP/X1545/W/15/3032632

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17. The lead in time outlined by the appellant appears reasonable and with no substantive evidence to the contrary, I concur with the appellant and the approach adopted in the cited appeal decision. Therefore supply from windfall sites in years 1 and 2 are removed and supply is reduced by 30 dwellings.

18. A list of disputed sites has been submitted as part of the appeal. These are dealt with in turn below.

19. **St Elphins Park.** The parties disagree on whether 130 units (110 of which have already been completed) from this C2 use class development should count towards housing supply. The related section 106 agreement requires residents to comply with the basic care package provided and for occupants to be of a minimum age of 55. I also note that the 2015 HEDNA treats care home need separately from C3 use class dwellings and that an affordable house requirement did not apply to the St Elphins Park site.

20. However, paragraph 37 of the Planning Practice Guidance states that local planning authorities should count housing provided for older people, including residential institutions in Use Class C2, against their housing requirement. Consequently it is reasonable to account for the 130 units in the housing supply.

21. **Land at Middleton Road, Wirksworth (Council 150: appellant 0).** The appellant identifies that no planning permission or application is in place and considers that it is unsatisfactory to depend on a signed SoCG between the Council and developer. However, the site SoCG indicates initial site viability work has been undertaken as has an appraisal of constraints with relevant agencies.

22. The SoCG notes formal pre-application discussions have taken place and that an application is being prepared for submission. The site SoCG trajectory reflects the absence of permission and anticipates delivery in years 2, 3, 4 and 5. With no site specific evidence to the contrary, I have no reason to doubt the Council’s position. Nor has the Examining Inspector outlined any initial concerns with the use of a SoCG for housing sites. However, taking into account the lead in times outlined by the appellant balanced against the site preparation already undertaken, it would be reasonable to assume that site delivery will not commence until year 3. Therefore, based on the evidence before me, the contribution of this site is likely to be 100 dwellings.

23. **Land at Ashbourne Airfield (Council 360: appellant 75).** The appellant’s figure includes consideration of the need to provide a link road as specified by a planning condition. The appellant also states that the site is heavily reliant on employment uses being delivered, that preferred developers have yet to be appointed and that it would take up to 24 months to discharge reserved matters and related conditions. As outline planning permission is not in place for phase 2 and is contingent upon delivery of the link road, the remaining 120 houses put forward by the Council are dismissed by the appellant.

24. The Council confirmed at the hearing that the link road has secured planning permission and funding. In addition, the Council state that a reserved matters scheme is being prepared for submission in the near future and that the landowner is engaged with several developers. In terms of phase 2, the site SoCG anticipates that following the grant of outline permission, 120 dwellings would be delivered in years 3, 4 and 5. Based on the evidence before me, it appears likely the site will deliver in excess of 75 units across both sites.
25. However, the appellant’s lead in time of 24 months appears likely based on the timescales involved with the outline permission. Whilst this has already been accounted for in phase 2, it appears optimistic that the reserved matters stage could be completed and 40 houses constructed by year 3. The appellant’s lead in time of 34 months to secure outline permission, discharge all reserved matters and commence on site appears reasonable.

26. I do not have the annual delivery rate anticipated from phase 1 which the Council anticipated will deliver 140. Taking into account the appellant’s lead in times, it is likely to take 18 months to discharge the reserved matters and commence on site. Adopting a pre-cautionary approach and assuming years 1 and 2 were considered deliverable by the Council, two fifths of the total of 140 is deducted from the five year housing land supply which equates to 56. In total, based on the evidence before me, it appears likely that both sites would deliver roughly 264 dwellings.

27. The submitted headroom calculations indicate that, based on the appellant’s position, an addition of 287 dwellings would result in the Council being able to demonstrate a five year housing land supply. Based on my reasoning above and after deducting supply from windfall years 1 and 2, 464 dwellings have been added to the appellant’s five year housing land supply position. As any findings reached on the remaining 18 disputed sites would not alter my conclusion in respect of housing land supply, they are not considered any further as part of my determination of the appeal.

28. Therefore I conclude that the Council is able to demonstrate a five-year supply of housing land for the area. This is a matter that I will return to as part of the planning balance exercise.

Character and Appearance

29. The appeal site comprises two fields enclosed by mature hedgerows on its outer boundaries with residential development and an emerging LP housing allocation on its eastern boundary. The eastern section of the site has been allocated for housing development in the emerging LP and granted outline permission for 32 dwellings. Land to the east of the site is on slightly higher ground and the site gently slopes down towards the west and south. The A52 runs across the south frontage of the site and a network of public footpaths are located further to the north, west and south.

30. The appellant considers that DDLP saved policies SF5 and NBE8 are not consistent with the Framework. It is contended that saved Policy SF5 sets a high bar by stating that planning permission will only be granted for development that complies with the listed criteria, of which a) and c) are considered by the Council to be of most relevance. Similarly, it is contended that saved Policy NBE8 sets a high bar by stating that planning permission will only be granted for development that protects or enhances the character, appearance and local distinctiveness of the landscape. The Council and appellant cite a number of appeal decisions to support their divergent views on this matter.

31. In comparison to the more balanced approach to landscape protection endorsed by the Framework, in my view saved Policy NBE8 takes a more

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4 APP/P1045/W/16/3148676 and APP/P1045/W/17/3167657
5 APP/P1045/W/15/3132525, APP/P1045/W/14/2227116 and APP/P1045/A/14/2227116

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restrictive approach. Consequently saved Policy NBE8 is afforded limited weight. Section 7 of the Framework outlines the importance of good design and seeking to promote and reinforce local distinctiveness. At paragraph 64 the Framework states that permission should be refused for poor design that fails to take the opportunities for improving the character and quality of an area. In this respect, I consider saved Policy SF5 is consistent with the Framework and thus it attracts full weight. However, as the proposal is in outline form only, criteria c) would be of most relevance.

32. The entire site was considered under the Strategic Housing Land Availability Assessment (SHLAA) as part of the housing allocation stage in relation to the emerging LP. The Council’s Landscape Sensitivity Study 2016 (LSS) formed part of this process and considered the entire site to be of high to medium landscape sensitivity. The SHLAA put forward the eastern section of the site for housing in the emerging LP but concluded that development to the west would result in a significant adverse impact on landscape character and the settlement pattern in relation to the village centre. An update to the LSS in April 2016 classified the site as having high landscape sensitivity. However, as discussed during the hearing, this change in landscape sensitivity does not appear to be based on any evidence.

33. The LSS study did not take into account land to the immediate east and north east of the site which has subsequently been developed for residential purposes. In my view, the development adjoining the site has had a material effect on the landscape value of the appeal site. Furthermore, the eastern section of the site has received outline planning permission for residential development. The LSS acknowledges that it is a strategic level assessment and that there will inevitably be variations in the level of landscape impacts where land has been categorised as being of high sensitivity. In such cases the LSS states that such variations could be determined by further more detailed site surveys.

34. The appellant’s Landscape and Visual Appraisal (LVA) classifies the site as having a medium landscape value overall which appears a reasonable assessment taking into account the immediate surroundings of the site. At a county and district level, the LVA considers that the proposal would have a minor adverse effect on completion reducing to negligible once the landscape mitigation measures have matured. Whilst landscape details are a reserved matter, indicative mitigation measures proposed include the plantation of a woodland area along the western part of the site and a landscape frontage extending back approximately 30 metres from the A52.

35. During the hearing, the Council confirmed that its concern relates to the effect of the proposal on the setting and settlement pattern of Brailsford. Concerns have also been raised in relation to the cumulative scale of previously permitted development and allocated sites at Brailsford. However, the proposal would continue the existing pattern of the village which is focussed mostly to the north of the A52 and would directly abut more recent development to the west of Luke Lane. Having viewed the site from vantage points identified in the appellant’s LVA, I agree with the Council that the proposal would not have a wider landscape effect. In this respect, the proposal would be most visible from LVA viewpoint locations 4 and 9 and from along the immediate section of the A52.
36. Views from viewpoint 9 are made in the context of the Miller Homes residential site whilst views from viewpoint 4 include the backdrop of development to the east of the site. Views of the site from this section of the A52 are limited and made within the context of the more built up character of the road and backdrop of the village. Consequently whilst the site currently comprises open agricultural fields, owing to the topography of the site and its surroundings, the visual effect of the proposal would be localised. Views from local vantage points in which the site is most prominent would be made in the context of existing development adjoining the site.

37. I agree with the Council’s Landscape Officer who considers that the proposed mitigation measures would substantially mitigate the effect of the proposal and bring medium and long term benefits to the setting of the village. Whilst I accept the proposal would have a minor adverse effect as the mitigation measures establish, this would be for a relatively short period of 10 years as suggested by the appellant. Furthermore this short term minor adverse effect would be outweighed by the medium to long term benefits the mitigation measures would have on the setting of the village.

38. Therefore I conclude that the proposal would not have a harmful effect on the character and appearance of the surrounding area. Consequently the proposal would meet the requirements of DDLP saved Policy SF5 and paragraph 17 bullet point 5 of the Framework. Combined, these policies seek to protect the intrinsic character and beauty of the countryside.

Other Matters

39. Concerns are made in relation to highway and pedestrian safety. During my site visit I walked along the footway that abuts the A52 from the proposed site access to Luke Lane. Owing to the insufficient width of the footway and its proximity to the A52, I can understand local concern regarding pedestrian safety, which includes the safety of wheelchair and pram users. I also observed that the junction of Luke Lane and saw that the A52 is busy and traversed by large vehicles.

40. Highway mitigation measures have been agreed between the appellant and Council. These measures include the extension of the 30mph speed limit with accompanying traffic calming measures to the north west of the site, a footpath connecting the site with the primary school at Luke Lane, the widening of the footway along the A52, and the provision of uncontrolled crossings.

41. As the mitigation works required would be on land in the ownership of the Highway Authority, a Grampian condition would be realistically achievable. Consequently, based on all I have seen, read and heard at the hearing, I have no reason to doubt the effectiveness of the proposed measures in ensuring highway and pedestrian safety.

42. Wildlife concerns have also been raised. Since the determination of the application, previous ecological issues at the site have been resolved between the appellant and the Derbyshire Wildlife Trust.

43. Great Crested Newts (GCN) were identified in relation to the development permitted at the adjacent site which necessitated mitigation measures. An agreed mitigation strategy would be secured at the reserved matters stage and proceed on the basis for the potential of a medium sized GCN population being
present within the terrestrial habitat of the site. Satisfactory design, landscape and layout details informed by a mitigation strategy at the reserved matters stage would ensure no harm in this respect.

44. In addition, further bat survey work has been undertaken and a sympathetic light strategy has been suggested for the site as a result. Consequently, based on the evidence before me, I have no reason to disagree with the Council’s acceptance in relation to wildlife matters.

45. The appellant’s site survey classifies the land as sub-grade 3a agricultural quality. Consequently dismissing the appeal based on loss of agricultural land would be unjustified.

46. As layout and scale are part of the reserved matters stage, dismissing the appeal on design grounds or for not providing bungalows would be unjustified. Based on the appellant’s Foul Drainage Analysis (which involved engagement with the Statutory Undertaker), dismissing the appeal on site drainage grounds would be unjustified. Nor does the evidence before me indicate that the works necessary to connect to the main sewers would threaten the viability of the proposal.

Planning Obligation

47. The UU would secure financial contributions towards affordable housing, Brailsford Village Institute, secondary school (including post 16 education), healthcare, traffic improvement works, travel initiatives and long term management arrangements for the proposed open space. I note that no main modifications are proposed to emerging LP Policy S11 which forms the policy basis for the contributions and I consider it accords with the Framework in relation to its approach to education capacity and infrastructure delivery. Consequently I afford it significant weight. Correspondence from the noted infrastructure providers provide justification for the extent of contributions sought.

48. Based on the evidence submitted, the obligations would comply with the statutory tests contained in Regulation 122 of The Community Infrastructure Levy Regulations 2010. However I am not convinced that the financial contribution towards the Brailsford Village Institute is necessary to make the development acceptable in planning terms. Consequently I have not taken this contribution into account in my determination of the appeal.

Planning Balance

49. Based on the allocations outlined in the emerging LP, I have concluded that the Council are able to demonstrate a five year supply of housing land. However as part of the examination exercise, the emerging LP is currently subject to additional consultation and thus the number of unresolved objections to the allocations and policies cannot be fully known at this stage. Thus I afford some and not full weight to the emerging LP housing land supply.

50. Moreover, the DDLP remains the adopted development plan for the area and the parties agree that saved policy S4 is not up to date as it is based on out-of-date housing requirements. Consequently it is common ground between the parties that paragraph 14 of the Framework is engaged.
51. Based on all I have seen and read, I have no reason to disagree with the consensus reached on this matter. Accordingly, a presumption in favour of sustainable development applies to the proposal and planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

52. The Framework identifies three dimensions\(^6\) to sustainable development that should be sought simultaneously through the planning system. In this light, the appellant highlights a number of benefits in support of the proposal.

53. Economic. The proposal would roughly represent a £7.8 million investment, and future residents would increase expenditure in the local area. The proposal would also generate Council tax payments, a New Homes Bonus Payment and direct and indirect construction employment. These economic benefits are afforded some weight in favour of the appeal.

54. Social. The proposal would increase housing choice and make a financial contribution towards affordable housing. The Council consider that affordable housing is not required in Brailsford. That said the evidence before me indicates that delivery rates across the County from 2013 - 2016 have not met those set out in the Council’s HEDNA report. Consequently the affordable housing contribution attracts some weight in favour of the appeal.

55. The proposed bus stop upgrades and crossing facilities would also be of benefit to existing residents and thus attract some weight in favour of the appeal. Whilst the proposal would have limited non-private vehicular access to employment, it would have good levels of access to services and facilities in Brailsford including public transport. This factor attracts some weight in favour of the appeal.

56. Environmental. Significant planting is anticipated to form part of the reserved matters stage which would involve the enhancement of existing wildlife corridors. These benefits attract moderate weight in favour of the proposal. The medium to long term benefits of the proposed landscape mitigation measures have been balanced against the moderate and short term adverse visual effect of the proposal and thus are a neutral factor in the planning balance.

57. Based on my reasoning above, I have not identified any adverse impact that would significantly and demonstrably outweigh the noted benefits. The proposal would simultaneously achieve the three dimensions of sustainable development set out by the Framework. Consequently the proposal comprises sustainable development as defined in the Framework; a factor which would outweigh the conflict of the proposal with LP saved Policy SF4. On this basis and for the reasons given above, the appeal should succeed.

Conditions

58. The conditions set out in the accompanying schedule are based on those suggested by the Council. Where necessary I have amended the wording in the interests of precision and clarity in order to comply with advice given in the Planning Practice Guidance.

\(^6\) Economic, social and environmental

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59. Conditions 1 – 3 requiring the submission of reserved matters are necessary in view of the outline nature of the application. Condition 4 is necessary in the interests of certainty. As the signed UU secures affordable housing provision a condition to this effect is unnecessary. As wild birds are protected by the Wildlife & Countryside Act, the condition regarding breeding birds is not necessary.

60. Condition Nos 10 – 18 are necessary for highway safety and sustainable transport purposes. Condition No 5 is necessary in order to protect the living conditions of neighbouring occupants. Condition Nos 6, 7 and 8 are included based on the comments of Derbyshire Wildlife Trust. Condition No 9 is necessary to ensure that the site is adequately drained.

Conclusion

61. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be allowed subject to the attached schedule of conditions.

B Bowker

INSPECTOR

Attached – schedule of conditions

Schedule of conditions

1) Details of appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

4) The development hereby permitted shall be carried out in accordance with the following approved plans: 7062-L-02 REV C Location Plan, P16007-001 Access Plan, but only in respect of those matters not reserved for later approval.

5) Demolition or construction works shall take place only between 08.00 – 18.00 hours on Mondays to Fridays and 09.00 – 13.00 hours Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.

6) No development shall take place until a detailed mitigation and monitoring strategy in relation to Great Crested Newts has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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7) Prior to the commencement of development a Landscape and Ecological Management Plan (LEMP) detailing long-term design objectives for nature conservation, management responsibilities and maintenance schedules for all landscape areas which are not in the ownership of individual properties shall be submitted to and approved in writing by the Local Planning Authority. The plan should include the following:
   a) Description and evaluation of features to be managed / enhanced or created.
   b) Ecological trends and constraints on site that might influence management.
   c) Aims and objectives of management.
   d) Appropriate management options and methods for achieving aims and objectives.
   e) Timescales.
   f) Prescriptions for management actions.
   g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
   h) Details of the body or organization responsible for implementation of the plan.
   i) Ongoing monitoring and remedial measures.

The plan should also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery and where the results from monitoring show that conservation aims and objectives of the plan are not being met how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall thereafter be carried out in accordance with the approved details.

8) No development shall commence on site until a detailed lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The lighting strategy shall be carried out in accordance with the approved details.

9) No development shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
   i) a timetable for its implementation; and
   ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

10) No development shall take place, including any works of demolition, until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The plan shall provide for:
i) Parking of vehicles for site operatives and visitors,

ii) Storage of plant and materials and site accommodation,

iii) Routes for construction traffic,

iv) Method of prevention of mud/debris being carried onto the public highway,

v) Proposed temporary traffic management/restrictions,

vi) Arrangements for loading/unloading and turning vehicles within the site; and,

vii) Site access arrangements and roadside fencing/hoarding.

11) As part of any subsequent reserved matters application, detailed designs of the layout, dimensions and construction of the pedestrian improvements between the site access to Main Road and The Green (including safe tactile paving crossing facilities across the A52) shall be submitted to and approved in writing by the Local Planning Authority. The works shall be laid out and constructed in accordance with the approved details prior to occupation of any dwelling hereby permitted, or other such timescale as agreed with the Local Planning Authority.

12) As part of any subsequent reserved matters application, detailed designs of the layout, dimensions and construction of the pedestrian footpath between the application site and the new school on Luke Lane shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be laid out and constructed in accordance with the approved details prior to the occupation of any dwelling hereby permitted, or other such timescale as agreed with the Local Planning Authority.

13) No development shall take place until a detailed scheme for the proposed traffic calming amendments on Main Road, as identified on drawing number P16007-002 (contained in Appendix II, Transport Technical Note 01, dated 3rd November 2016), incorporating layout, lighting and construction materials/details, have been submitted to and approved in writing by the Local Planning Authority. The approved works shall be carried out before or in conjunction with the formation of the permanent access to the site.

14) No development shall take place until the permanent access to Main Road has been laid out in accordance with drawing number P16007-001B (contained in Appendix II, Transport Technical Note 01, dated 3 November 2016). No other development shall be carried out until the first 15 metres of the access road has been constructed to at least binder course level, and a timetable for the full completion of these works has been submitted to and approved in writing by the Local Planning Authority. The approved works shall be completed in accordance with the approved timetable.

15) No development, other than works required for the construction of the site access under the above condition (No 14), shall take place until the site access has been provided with visibility sightlines in each direction in accordance with those identified on drawing number P16007-001B (contained in Appendix II, Transport Technical Note 01, dated 3rd November 2016).
November 2016). Thereafter, clear visibility shall be maintained within these splay areas above a height of 600mm from ground level.

16) As part of any subsequent reserved matters application, detailed designs for the internal site layout shall be submitted to and approved in writing by the Local Planning Authority, to include details of all necessary on-site highway infrastructure including; access roads, turning areas, footways, street lighting and highway drainage, together with a timetable for the implementation of these works. No dwelling shall be occupied until the highway infrastructure serving that unit has been provided in accordance with the approved details, and the relevant roads and footways finished to at least binder course level between the dwelling and the public highway. The approved works shall be completed in accordance with the approved timetable.

17) No development shall take place until details of the means to prevent the discharge of water from the development onto the highway have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be completed prior to the first use of the access and retained as such thereafter.

18) No dwelling hereby permitted shall be occupied until a full Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include arrangements for a Travel Plan coordinator who shall be in place until year 5 after completion of the final phase of development. The measures set out in the approved plan and any approved modifications shall be implemented in full thereafter. The approved plan shall be audited, updated and submitted for the approval of the Local Planning Authority at intervals no longer than 12 months, starting from the date of first approval.

End of Schedule
APPEARANCES

FOR THE APPELLANT:
John Chorlton  
Gladman Developments  
Tracey McCann  
Gladman Developments  
Johnathan Penrose  
Gladman Developments  
Nina Pindham  
Counsel  
Tim Jackson  
Director, FPCR  
David Stoddart  
Prime TP  
Richard Mowat  
Johnson Mowat

FOR THE LOCAL PLANNING AUTHORITY
Chris Whitmore  
Principal Planning Officer

INTERESTED PERSONS
Pat Laughlin  
Brailsford Council  
Michael Cannon  
Local Resident

DOCUMENTS SUBMITTED AT THE HEARING
1. Letter of objection from Michael Cannon.
2. Derbyshire Count Council email dated 8 June 2017 in relation to primary school education contribution.
4. Copy of relevant saved LP 2005 policies.
5. Copy of relevant emerging LP policies.
6. Signed Highway SOCG.
8. Appeal decision ref APP/P1045/W/17/3167657.
9. Appeal decision ref APP/P1045/W/16/3148676.
10. St Elphins School Site Section 106 agreement.
13. Housing Land Supply Closing Submissions (the Appellant).

https://www.gov.uk/planning-inspectorate
14. Housing Land Supply Closing Submissions (the Council).

15. Five Year Housing Land Supply Review: Disputed Sites Pro-formas Update from appellant.


17. Appellant final position on housing land supply.

18. Council final position on housing land supply.

19. Housing land supply headroom position for party.
