

PLANNING COMMITTEE – 19th March 2024

Reference Number: 23/00565/FL

Application expiry: 27/03/2024

Application Type: FULL

Proposal Description: Residential Development for 9 dwellings (Amended Plans)
(Departure from the Development Plan)

At: Land Opposite Wistanes Green, Matlock Road, Wessington.

For: Elements Property Developers Ltd

Third Party Reps: 18 Objections, 1 No objection.

Parish: Wessington **Ward:** Shirland

Report Author: Steven Wigglesworth

Date of Report: 01 March 2024

MAIN RECOMMENDATION: Grant permission, subject to conditions

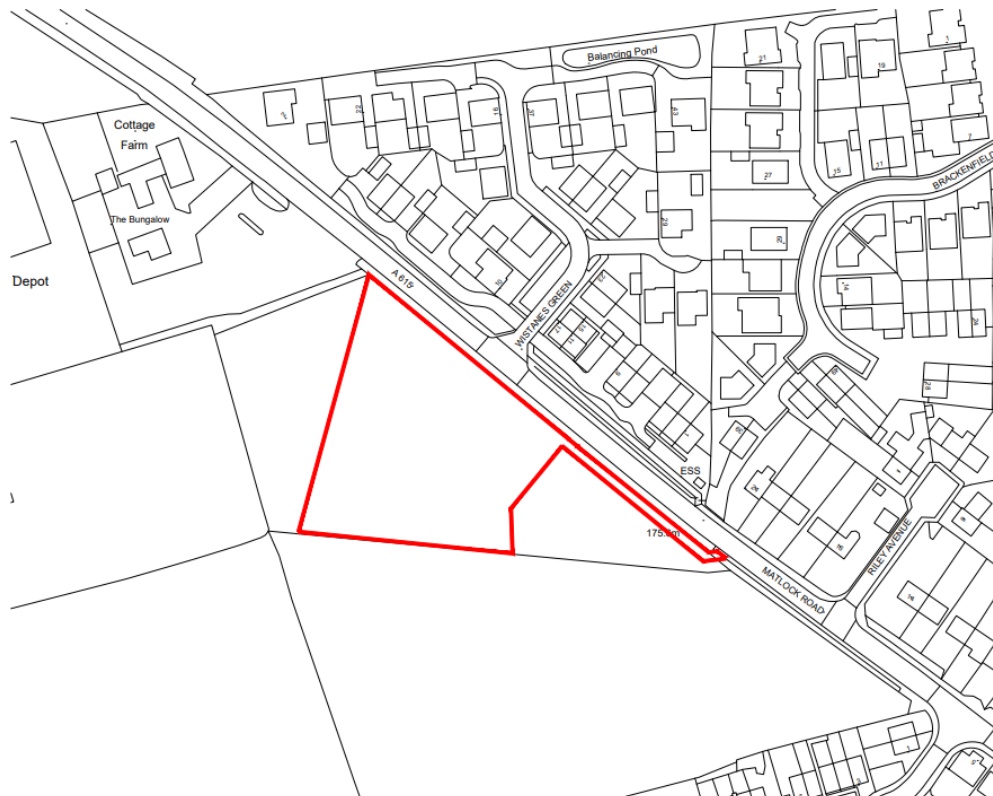


Figure 1: Location plan, with (revised) site edged in red

1.0 Reason for Report

1.1 Cllr Cupit has requested that the application be considered by Planning Committee for the following reasons:

- Concern over the scale and density of the proposals.
- Detrimental impact on the surrounding rural countryside setting especially given that they are not in keeping with the existing prevalent street scene in Wessington.
- Concerns that the planning statement incorrectly suggests this is an allocated site because it has not been allocated for housing but has previously received permission for housing and is contrary to the Neighborhood Plan.

1.2 The application was on the agenda for the 20th of February Planning Committee meeting, presented to Planning Committee but deferred following receipt of new information during the meeting. It is now brought back to Committee for consideration and determination.

2.0 Proposal and Background

Site Description

2.1 The site is located at Wessington (a level 3 settlement as detailed in the Local Plan), lies outside Settlement Development Limits (SDL) and therefore is classed as being within the countryside in planning terms. The boundary of the SDL is on the opposite side of Matlock Road (A615) and includes the recently constructed Wistanes Green development.

2.2 The site is 0.45ha in area and comprises part of a field which was formerly pastureland.

2.3 The site is within the landscape character area 'Peak Fringe and Lower Derwent' within the landscape character type 'Wooded Slopes and Valleys'. It is also identified as being within a primary Area of Multiple Environmental Sensitivity (AMES).

2.4 The site benefits from an extant planning permission for 8 dwellings (confirmed by Lawful Development Certificate prior to submission of this current application). To date there are no buildings on the site although the access has been constructed and the top surface of the field has been stripped and disturbed.

2.5 There is a mature mixed hedgerow of native species to the field boundaries with occasional mature trees (Ash) within the hedgerow.

- 2.6 The roadside boundary of the site is also formed by a tall mature hedgerow with occasional trees. There is a grass verge adjacent to Matlock Road but no footway across the site frontage.
- 2.7 On the opposite side of Matlock Road to the north is a recently constructed residential development, Wistanes Green from where there is a footway that links into the village behind the roadside hedgerow.
- 2.8 The 'Proctors Motors' and 'Storage 2000' sites lie to the North West. Adjoining the Proctors site is Cottage Farm, Matlock Road. Cottage Farm is identified as a non-designated heritage asset in the Wessington Neighbourhood Plan.
- 2.9 The site shows some areas of low-medium risk of surface water flooding along the front of the site facing onto Matlock Road (A615). This is opposite the Wistanes Green access and extends in both directions following the direction of the road.

Proposal

- 2.10 This application seeks full planning permission for 9 dwellings. As submitted, the proposal intended to use the access that has been formed associated with the extant permission from the 2019 application (to the south east of Wistanes Green, on the opposite side of the road).
- 2.11 Originally proposed, the dwellings were a mix of 7no. detached dwellings and 2no. semidetached units, comprising a mix of 4no. 4 bedroomed and 2no. 5 bedroomed dwellings. Only the semidetached dwellings had detached garages, the other 7no. dwellings had integral garages, with much of the car parking spaces in front of the dwellings. The dwellings had wide gables, some had flat roof detailing, and steep roof pitches. Some were 2.5 storey in height. The aesthetic was relatively urban, and overly car dominated and gardens were shown backing onto the access road.
- 2.12 Officers expressed concerns about the design of the scheme, and the scheme was entirely redesigned including an amended access point to the north west, amended layout and revised house types.

Amendments

- 2.13 The development description was revised to remove reference to number of bedrooms and the application has been through a series of amendments, two consultations have been undertaken, one in December 2023 and one in February 2024 (following deferral by February 2024 Planning Committee).
- 2.14 The scheme was amended to address officer's concerns with the initial scheme (see Figure 2 below) as well as detailed matters to refine the design of the amended house types and subsequently to alter the development so the house types are 3-4 bedroomed and to provide a footpath link back to the village:–



Figure 2 : Revised and amended layout

- The scheme has a revised layout to achieve a more outward looking development, this has also resulted in a revised location for the access.
- The house types have been revised to reduce the gable widths to better relate to the local building traditions and those in the area and this has resulted in a scheme which has a range of gable widths from 7.2 to 7.6m.
- The development now appears less car dominated by reducing the reliance on parking directly in front of dwellings and reduces the number of dwellings with integral garages. Garages and drives are in general (plots 8 & 9 being the exception) to the side of houses with the garages set back behind the dwellings.
- It also integrates solar panels into the roofs of the dwellings where appropriate.
- Where back garden areas front onto public space the boundaries are formed with hedgerows.
- The existing hedgerows are maintained, and two mature trees retained, three large replacement trees will be planted within the site, behind the hedgerow which is adjacent to Matlock Road.
- The east and west facing boundaries of the site will be formed with a hedgerow (see landscaping plan 11367-FPCR-XX-XX-DR-L-0001 in Figure 3 below).

- The elevations which face public spaces have been designed to ensure they are not blank.



Figure 3: Landscaping masterplan

- 2.15 The first reconsultation (December 2023) was undertaken on the amended scheme which proposed a mix of detached and semidetached dwellings comprising a mix of 5no. 4 bedroomed dwellings and 4no. 5 bedroomed dwellings (this has since been amended to a scheme of 3-4 bedroomed dwellings).
- 2.16 The dwellings are proposed to be constructed in a mix of brick or render. The brick dwellings (plots 2, 3, 5, 6, 7, 8 & 9) are proposed in 'carlton brick ridings gold antique' for the walls, with 2 course brick corbel to all verges and eaves and projecting stretcher courses where shown on the elevations, artificial stone heads and cills to openings and Galloway roof tiles (slate grey). The render dwellings (plots 1 & 4) use white render for the walls, have artificial stone heads and cills to openings and their roof is clad with Galloway roof tiles (slate grey). For both types of construction the windows are flush fitting casements and the gutters are half round on rise and fall brackets.
- 2.17 Most dwellings have a garage and two parking spaces, except for plot 6 which was a 5 bedroomed dwelling and has a garage and single parking space. Most of the

dwellings have detached garages, except for plots 8 and 9, the Manifold and Wolfcote house types, which have integral garage.

- 2.18 A new access would be created to serve the site, the access would be to the north west of Wistanes Green (but on the opposite side of the road).
- 2.19 In the amended scheme the dwellings proposed in the first reconsultation were a mix of 2-2.5 storey. The 4 semi-detached dwellings were 2.5 storey as they utilised the roofspace for additional living accommodation. These include the Padley and Grindleford house types.
- 2.20 The Padley and Grindleford House types were 5 bedroomed, the Cressbrook, Cressbrook 2, Wolfcote and Manifold house types are 4 bedroomed.
- 2.21 Further amendments to the scheme have been received as set out below:

Since the December 2023 reconsultation further amendments have been received (in late January 2024) in response to consultees comments and representations and at the request of officers. An amended site plan was submitted to show the visibility splays and provide a footway back towards the village. In addition, the Grindleford and Padley house types have been changed so they are no longer 2.5 storey with the top floor of accommodation being omitted and the height of the building reduced accordingly, so these are 2 storey and now 3 bedroomed (the Padley house types have a study).

- 2.22 The amended scheme under consideration now proposes a development of 4no. 3 bedroomed dwellings and 5no. 4 bedroomed dwellings. The Padley and Padley 2 house types are 3 bedroomed house types with a study to help facilitate home working, so could be considered a 3/4 bedroomed house type.
- 2.23 The footpath along the frontage has since been omitted from the scheme as it would have connected onto a private footway where the right of access could not be guaranteed. It was omitted because it is therefore safer not to provide a footway at that point other than to the extent of the radii of the access, this is to facilitate the possibility of future connectivity.
- 2.24 An alternative footpath has now been proposed to connect back into the village. This is proposed on the same side of the road as the proposed development, behind the hedgerow which fronts onto Matlock Road. It would connect the north east corner of the site via the proposed footpath to the existing footpath which currently terminates approximately 61m to the south east of the site (see Figure 4 below).



Figure 4: Revised Plan showing footpath link

2.25 There has been a reconsultation undertaken on the scheme in its final form which began on the 22 February 2024.

2.26 For clarity the final package of plans are listed below -

- 001 rev A Location Plan
- 020 rev J Proposed Site Plan
- 021 rev C Proposed Highways Plan
- 050 rev A Cressbrook Plan
- 051 rev B Cressbrook 2 Plan
- 052 rev A Manifold Plan
- 053 rev B Wolfcote Plan
- 055 rev D Padley Grindleford Plan
- 056 rev B Padley Grindleford 2 Plan
- 060 rev B Cressbrook Brick Elevations
- 061 rev B Cressbrook 2 render Elevations
- 062 rev B Manifold Elevation
- 063 rev C Wolfscote Elevations
- 064 rev B Cressbrook Render Elevations
- 065 rev D Padley Grindleford Elevations
- 066 rev B Padley Grindleford 2 Elevations

- 1539-002 Tree Protection Plan
- 11367-FPCR-XX-XX-DR-L-0001 Landscape Strategy Plan
- A3_105 Rev A Double Garage Plan
- A3_106 Rev A Single Garage Plan
- A3_110 Rev A Double Garage Elevation
- A3_111 Rev A Single Garage Elevation

3.0 Relevant Planning History (not the full site history)

16/00749/OL	CA	05.12.2016	Outline application for proposed residential development of up to nine dwellings with means of access submitted
19/00918/RM	CA	05.12.2019	Reserved matters application (pursuant to 16/00749/OL) for the residential development of 8no dwellings
19/01003/DI SCON	DIS	10.12.2019	Application to discharge conditions 8 (Scheme for the disposal of surface water and foul sewage), 9 (Site establishment plan), and 10 (details for a new vehicular access) pursuant of 16/00749/OL
22/01225/LD C	CI	27.02.2023	Application for a Lawful Development certificate to confirm the implementation of a material start of planning approval 19/00918/RM

4.0 Consultation Responses

- 4.1 **Ward Member** – has raised an objection with concerns over - scale and density; detrimental impact on the surrounding rural countryside setting; development not in keeping with the existing prevalent streetscene in Wessington. Also concerns about the planning statement which incorrectly suggests this is an allocated site. It has previously received permission but was not allocated in the Local Plan and is contrary to the Neighbourhood Plan.
- 4.2 **Wessington Parish Council** – Objects - It is noted that planning permission for this site already exists for eight smaller houses in the same setting and setting aside that this site falls outside the Settlement Development Limit of the Neighbourhood

Plan and so ideally should not be developed and the Parish Council sees the existing planning permission as the optimum default proposal for development.

The proposal is contrary to Neighbourhood Planning Policy 1: Sustainable Development and the Settlement Development Limit because the application site is outside the Settlement Development Limit where proposals will be controlled and limited in accordance with countryside policies in the up to date Local Plan and other relevant policies in this Neighbourhood Plan. (especially Neighbourhood Plan Policy 2). Land outside the defined limits to development will be protected reflecting its intrinsic character.

Contrary to Neighbourhood Plan Policy 2: Protecting the Natural Environment and Landscape Character the design of the development is not 'sympathetic to the local character and landscape setting', in particular the design of any three story properties. This is not in keeping with the style of properties in Wessington. A development of this scale and density on the border of the village (particularly with a three story building comprising two semi-detached dwellings at the entrance end) will create a hard boundary as you enter the village.

Neighbourhood Plan Policy 3: Design Principles 3. The design of the properties is not empathetic to Wessington, other developments have used a mixture of stone and brick to design properties which are in keeping with the rest of the village. Wistanes Green (on the opposite side of the A615) street scene palette includes rendered exterior elevations.

Neighbourhood Plan Policy 4: A Mix of Housing Types 2. Development proposals for housing will be required to demonstrate that they take into account the need identified in the 2017 Objective Assessment of Need for most dwellings to be 2-3 bedrooms, or the most up to date published evidence of housing need in Wessington and North East Derbyshire.

The development consists of two 5 bedroom properties and seven 4 bedroom properties which goes against Policy 4 of the Neighbourhood Plan. Paragraph 106 comments that of the detached houses in Wessington in 2011 the average was for three bedrooms. There is not a wide variety of property sizes and none meeting the need identified in the 2017 Objective Assessment of Need. The parish council objects to the inline parking proposed, and amongst other things consider it will lead to the front gardens being hard surfaced at a later date, due to inconvenience. They also consider the gardens are smaller than the typical garden size in Wessington which they describe as generous.

There is a concern over pedestrian safety as there is no direct public footpath into the village from the development. This would mean walking along the very busy A615 road to get into the village. The footpath through Wistanes Green is privately owned and so is unavailable for use by residents on the proposed development. There is a concern for safety with cars turning onto the A615 to and from the

development and the close proximity of the turning onto Wistanes Green. The proposed development for nine 4 to 5 bedroom houses may generate a greater amount of traffic than the previous proposal for eight smaller houses. Residents on Wistanes Green who wish to turn onto the A615 have frequently reported problems with traffic speeding into the village from the Matlock direction and traffic speeding up on leaving the village, heading towards Matlock. There have already been several "near misses" and subsequent discussions with Derbyshire County Council's Highways Department.

In addition, the parish council in their response of 13/02/2024 continue to raise concern in relation to highway safety and lack of a footpath connecting back into the village. It also suggests two design revisions. Explaining that they consider the design ought to reflect that of Wistanes Green and that Plot 4 ought to be reorientated slightly so that its front elevation is inclined towards the access road. This was reported in the late representations to February 2024 Planning Committee.

- 4.3 **Highway Authority (HA)** –initially commented that the 5.5m wide access is in accordance with Delivering Streets and Places Design Guide (DSPDG) for a development of this scale. Also satisfied with the position of the access, which now avoids an informal cross-roads arrangement. Visibility splays need to be demonstrated. Also, the extent of the footway is unclear, a 2m wide footway which includes the site frontage and connects into the existing footway provision should be provided. Internal layout is accepted and it has adequate parking and maneuvering. Until the visibility splay and extent of footway is addressed the HA is unable to determine if the development proposal is acceptable in highway terms.
- 4.4 Final comments received following receipt of amended highways plan to provide the details requested. No objections are now raised subject to the imposition of conditions. Also, an informal discussion has taken place in relation to the representation received about the footway (01/02/2024) and given the 3rd party land ownership issues raised with connecting into the existing footway at Wistanes Green advise it would be best to remove the footway from the frontage.
- 4.5 **The Coal Authority** - The application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted. If this proposal is granted planning permission, it will be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.
- 4.6 **Severn Trent Water Ltd** – No response to date.
- 4.7 **NEDDC Drainage** – No response to date.

- 4.8 **Environmental Health Officer** – No objection subject to conditions, including a pre condition to agree and secure a program to ensure airbourne dust is minimised and a condition to limit construction works and deliveries on site to between the hours of 07.30am to 6pm Monday to Friday and 7.30am to 1pm on Saturday and that there shall be no work undertaken on site or deliveries to the site on Sundays or public holidays.
- 4.9 **Derbyshire Wildlife Trust** – No objection subject to conditions - The development has provided sufficient information for the Council to be reasonably confident that a net gain for biodiversity can be achieved on-site and that any impacts on protected species can be avoided or mitigated provided that the following conditions are attached to any planning approval – including timing in relation to breeding birds, lighting in relation to bats and other nocturnal wildlife, agreeing and securing a construction and environmental management plan, agreeing and securing a Biodiversity Enhancement Plan.
- 4.10 **Derbyshire Constabulary (DC)** – has commented that on the previous submissions for this site they did query some boundary treatment, particularly for the Matlock Road frontage, as plot dividing close boarded fencing reached up to the footpath edge and restricted outlook. This submission doesn't have any boundary treatment details included, except for that shown on 3D illustrations, which seem, at some points, to divide private gardens with an estate rail. DC expect there will need to be an appropriate mix of hedge, rail, and higher fencing to include privacy for gardens within enclosure generally and a specific boundary treatment plan would help to clarify this. No comments raised in respect of the amended layout or house types. It's noted that there are still no boundary details provided, but expects that this could be set as a condition within any future notice of approval.
- 4.11 **DCC Lead Local Flood Authority** – As the site is smaller than 1ha and the dwellings less than 10 (i.e. not major development) the LLFA offer no comments. The applicant will need to ensure that the surface water discharge to be limited to 2.0 l/sec unless the applicant has the agreement from the relevant authority for a greater amount.

5.0 Representations

- 5.1 The Site Notice was posted on 21 December 2023; The date for overall expiry of consultations was 18 January 2024; The application was on the weekly list which expired on 24 July 2023.
- 5.2 18 number of representation have been made in objection to the scheme raising the following planning issues –
- Contrary to the Local Plan and the Neighbourhood Plan.
 - The 9 dwellings are outside the Settlement Development Limits on an undeveloped site in the countryside and therefore should be refused.

- Concerns from a local resident that the additional traffic noise will have a detrimental impact on their child who has Autism.
- As this proposal is for 9 houses it seems there is no requirement for affordable housing but the developer states that this development would benefit the residents of Wessington. For any development to be beneficial to current residents of Wessington there needs to be smaller, starter homes which would allow the younger people in the village, who want their own home, a chance to remain in their home village.
- If properties are to be built here they should be more modest and less imposing and should be a better mix of house size and type and set further back from the road
- This is for 4 & 5 bedroomed houses, however the Wessington Neighborhood plan states that future development should be mostly for 2-3 bedroomed houses.
- Does not meet the objectives (1, 2, 3, 8, 9) of the neighborhood plan as set out in item 9 page 25 of the Neighborhood Plan.
- Access will be dangerous, and approximately 18 cars (two per household) will be dangerous. Traffic is already a major problem for this village, with a huge increase in traffic on the A615 causing dangerous problems for residents and children crossing the road.
- The A615 Matlock Road, Wessington has become so busy and dangerous - next to this proposed development - 2 cars recently crashed into the hedgerow and further south there was a fatal accident. DCC has put in a Puffin Crossing, but this, of course, has not reduced the volume or speed of traffic, which is particularly dangerous at the Wistanes Green entrance/exit directly opposite the proposed development.
- On 13/1/2024, yet another major accident at the crossroads with Back Lane and the A615 involving a child on this busy road at 11.30am. Total chaos ensued caused by the huge amount of traffic weaving in and out of the accident scene.
- The A615 is subject to speeding motorists taking the opportunity to overtake other traffic that is moving at a slower pace.
- The straight road in front of the proposed site and Wistanes Green is the first straight stretch on leaving the village towards Matlock and encourages overtaking. Placing another access virtually within metres of the access road to Wistanes Green is misguided at best and at worst potentially deadly. There has already sadly been a fatality of a young child at the Alfreton side of the village demonstrating that the above concerns are warranted.
- The relocated access is even more dangerous than the original proposal.
- No pavement/access to the village is shown on the plans from this site. This is contrary to The Wessington Neighborhood Plan, which states developments should have "good connection" (96iv) and both "protect and extend footpath network" (Objective 5).
- There is no capacity in the local school for additional children.
- The dwellings will be imposing
- No attempt to reinforce existing rural character.
- The land has poor drainage.
- Wessington has expanded by 42% over the last 10 yrs.

- Lack of school places, post office, shops etc.
- The proposed development is completely inappropriate to both the small nature of the site, the surrounding open countryside and the existing streetscene in the village, which led to the refusal of proposed 3 story dwellings, further down on Matlock Road, earlier this year.
- One of the 5 bedroomed dwellings has only one external parking space plus garage.
- The development demonstrates a lack of sustainable solutions including EV charging provision.
- Given the speed and layout of the road the development needs to ensure a more significant visibility splay or signage to ensure the safety of residents of the development. The Wessington Neighbourhood Plan states developments should "seek solutions to speeding and road safety" (Objective 8). The application provides no demonstration of consideration or solutions to improve road safety issues.
- Whilst the issue of drainage was approved within the previous outline application 19/01003/DISCON it is noted the provision fails to deliver sustainable solutions to drainage to the same standard as those in recent developments such as the adjacent Wistanes Green development. Within the Wistanes development the planning conditions required sustainable drainage solutions to be included in the application as per NPPF paragraph 103, this included use of permeable surfaces, surface water storage and sewage which sought to prevent pressure on existing sewage and water infrastructure. The development only provides permeable surface and water storage solutions to private driveways. The use of permeable surface and further water drainage to the main roadways would reduce the impact of surface water drainage on the main public sewer and also reduce the likelihood of surface water flooding.
- In comparison to the approved scheme the proposal could double the amount of individuals occupying the site
- The design of the houses are not in keeping with the rural character of the village. They will completely change the open aspect Wessington which is not in keeping with the Neighbourhood Plan.
- The houses are not of a design to fit in with the other houses in the village, these houses are of a large executive type house of the sort you would find in a large town or city not a village.
- The proposed designs are for much more boxy type houses with very large windows and flat roof areas. They are not in character with other properties in the local area.
- The proposed replacement of bungalows with houses will have a detrimental impact on the visual aesthetics of the village when entering from the direction of Matlock. If the proposed development is allowed, it will create a tunnel view on entering a village, a village that is well known for its open aspects.
- There is insufficient information provided with the revised application with regard to drainage, building materials etc.
- The houses would be far too close to Matlock Road and would be dominant, imposing and very oppressive, having a detrimental effect on current residents and tenants.

- If properties are to be built here they should be more modest and less imposing and should be a better mix of house size and type and set further back from the road.
- The Village has grown significantly over the last 20 years but there has been no growth in resources to support the growing Community e.g. no shops, no Community Centre/Village Hall, and School size has remained the same. There has to be a point where any further residential development applications cannot proceed and they consider this point has been exceeded a few years ago.
- Wistanes Green is a private estate, the proposed footway across the site frontage shows it connecting into the footpath on Wistanes Green, but there is no permission from the landowner to achieve this.
- The site is currently flooded and has been for weeks.

5.3 No representations have been received in support of the proposal.

5.4 One representation has been received from the Swift Conservation Trust which recommends a condition to achieve swift nest boxes integrated into the development.

5.5 There has been some recognition in the representations received from the Dec 2023 reconsultation that the design has improved but in general the objectors concerns about the proposal still remain.

6.0 Relevant Policy and Strategic Context

6.1 The Development Plan in this case comprises the **North East Derbyshire Local Plan 2014-2034 (LP)** and the **Wessington Neighbourhood Plan (NP)**

The following policies of the LP are material to the determination of this application:

SS1 Sustainable Development

SS2 Spatial Strategy and the Distribution of Development

SS9 Development in the Countryside

LC 2 Affordable Housing

LC4 Type and Mix of Housing

SDC2 Trees, Woodlands and Hedgerows

SDC3 Landscape Character

SDC4 Biodiversity and Geodiversity

SDC10 Decentralised, Renewable and Low Carbon Energy Generation

SDC11 Flood Risk and Drainage

SDC12 High Quality Design and Place Making

SDC13 Environmental Quality

SDC14 Land potentially affected by Contamination or Instability

ID1 Infrastructure delivery and Developer Contributions

ID2 Provision and Safeguarding of Transport Infrastructure

ID3 Sustainable Travel

The following policies from the NP are considered material to the determination of this application:

Neighbourhood Plan Policy 1: Sustainable Development and the Settlement Development Limit - Outside the Settlement Development Limit proposals will be controlled and limited in accordance with countryside policies in the up to date Local Plan and other relevant policies in this Neighbourhood Plan (especially Neighbourhood Plan Policy 2). Land outside the defined Limits to development will be protected reflecting its intrinsic character.

Neighbourhood Plan Policy 2: Protecting the Natural Environment and Landscape Character

Neighbourhood Plan Policy 3: Design Principles.

Neighbourhood Plan Policy 4: A mix of housing types - Development proposals for housing will be required to demonstrate that they take into account the need identified in the 2017 Objective Assessment of Need for most dwellings to be 2-3 bedrooms, or the most up to date published evidence of housing need in Wessington and North-East Derbyshire.

Neighbourhood Plan Policy 5: Protecting Heritage Assets

In addition, Map 2 in the NP identifies the site as 'B' and identifies that it has been granted planning permission since 2005 and Para 63 explains that the Spring Gardens development presents a hard urban edge to the open countryside because of its boundary treatments and the style of housing and this could have been improved with a softer edge of native hedgerow.

6.2 National Planning Policy Framework (NPPF)

The overarching aims of the National Planning Policy Framework (NPPF) have been considered in the assessment of this application.

6.3 Other Material Planning Considerations

Successful Places design Guidance.

7.0 Planning Issues

Principle of Development

- 7.1 The submitted planning statement incorrectly assumes that the site is a housing allocated site because it was considered in the Strategic Land Availability Assessment. However, it was not carried through into a housing allocation and so, whilst there is an extant planning consent for the site to be developed, and the permission remains alive, the site is not actually allocated for housing.

- 7.2 NEDDC Local Plan Policy SS2 defines countryside as any land which lies outside a settlement development limit and is not allocated for development. This site lies outside the Settlement Development Limits (SDL) and whilst there is an extant permission in place, the site is not allocated for development in the Local Plan. Therefore, for the purposes of applying planning policy the site is located within the countryside.
- 7.3 NEDDC Local Plan Policy SS2 explains that in the countryside development is only permitted in accordance with policies SS1 and SS9.
- 7.4 Amongst other things Policy SS1 requires that development will a) meet development needs within defined settlement or other allocated areas having regard to the defined settlement hierarchy; b) Promote the efficient use of land and the reuse of previously developed land; e) reduce the need for energy in new development and ensure that it can use energy efficiently through the lifetime of the development; g) create well designed places that are accessible, durable, adaptable and enhance local distinctiveness; h) protect and enhance the character, quality and diversity of the districts green infrastructure and local landscapes, the wider countryside and ecological and biodiversity assets; l) play a positive role in adapting to and mitigating the effects of climate change.
- 7.5 NEDDC Local Plan Policy 'SS9: Development in the Countryside' has a list of categories of development that will be approved in the countryside (SS9, 1, a-i.). This proposal does not fall within any of the categories of development that would be approved. Therefore, the proposal is contrary to this Spatial Strategy policy of the Local Plan. Policy SS9(2) requires that in all cases where development is considered acceptable it is required to respect the form, scale, character of the landscape, through careful siting, scale, design and use of materials.
- 7.6 In view of the above, the development is considered to be contrary to the provisions of the Local Plan, because it is outside of a settlement development limit, within an undeveloped field (albeit with an extant permission). Essentially it is not one of the forms of development provided for in SS9.
- 7.7 Similarly, because the proposal is outside the SDL the proposal is also contrary to the Wessington Neighbourhood Plan Policy 1, Sustainable Development and the Settlement Development Limit.
- 7.8 The principle of developing this site for housing is therefore contrary to the provisions of the Development Plan (comprising both the Local Plan and the Neighbourhood Plan) and decisions made on applications should be determined in accord with the Plan unless material considerations direct the decision maker otherwise.

7.9 However, in this case it is noted that there is a planning permission in place for 8 dwellings on the site and this permission is extant and supported by a Certificate of lawful development. The layout of the extant scheme is given in Figure 5. This is a material consideration which weighs heavily towards approving a similar scheme particularly if it can be considered to achieve a better planning outcome.

7.10 The extant permission for 8 dwellings on this site is 19/00918/RM. This has been begun as confirmed by LDC (22/01225/LDC) by setting out part of the new access road, breaking of ground, removal of top soil and excavation and laying of stone base course.



Figure 5: Extant Layout

7.11 That approved development comprised a mix of 2 semi-detached dwellings and 6 detached dwellings, 4no. 4 bedroomed dwellings and 4no. 3 bedroomed dwellings.

These were proposed in red facing brick with natural blue slate or dark plan tile roof. Windows were sash type, made of timber and painted cream. Rainwater goods were cast metal finished black, on rise and fall brackets. Where there were garages they were paired to have the appearance of double garages.

- 7.12 The proposed scheme originally differed from the approved scheme proposing 4-5 bedroomed dwellings and so conflicting with the aims of the NP Policy 4 whilst LP policy LC4 also requires an appropriate mix of dwelling types, tenures and sizes, taking into account existing imbalances in the housing stock, site characteristics, and viability and market considerations.
- 7.13 As well as being a policy requirement of the Development Plan this has also been raised in the representations from local residents, as well as from the Parish Council Comments.
- 7.14 Officers asked that the scheme be amended to 3-4 bedroomed dwellings and amended plans have been received (Jan 2024) which remove the accommodation in the roofspace of the Grindleford and Padley semidetached dwellings. This makes them 3 and 3/4 bedroomed dwellings with the height of these dwellings being reduced accordingly to true 2 storey dwellings rather than 2.5 storey. This in turn, in the view of Officers also improves the street scene as they better relate to the other dwellings and those opposite at Wistanes Green.
- 7.15 As a result, this makes the proposal one for 4no. 3–3/4 bedroomed dwellings and 5no. 4 bedroomed dwellings. Essentially now there would be one more 4 bedroomed dwelling than previously approved and two of the 3 bedroomed dwellings would also have a study.
- 7.16 This alone is not considered to be a reason to refuse the application and when set against the extant scheme the remaining conflict with policies NP P4 and LP LC4 in relation to the size/number of bedrooms (i.e. not 2-3 bedroomed) in the dwellings is considered to be outweighed by the extant permission for 3-4 bedroomed dwellings.
- 7.17 Therefore, on this issue, in view of the extant permission being in place, the conflict with the Development Plan is considered to be outweighed and the principle of granting permission for this current scheme is considered to be acceptable.

Design

- 7.18 LP Policy SDC12 states that all new development should be of high-quality design and make a positive contribution to the quality of the local environment. Proposals for development will only be permitted provided that they amongst other things: a.) Respond positively to local character and context to preserve and, where possible, enhance the quality and local identity of existing communities and their surroundings; c.) Create good design which is well-related to its site and surroundings in terms of its layout, form, height, massing, scale, plot size, elevational treatment, materials, streetscape, and rooflines which effectively

integrate buildings into their local setting; e.) Protect the amenity of existing occupiers and create a good quality of amenity for future occupants of land or buildings including in relation to privacy, overlooking, overshadowing and/or any overbearing impacts; Make provision for private amenity space, storage and recycling facilities, and vehicle and cycle parking. Similarly the NP requires high quality design that responds and is appropriate to its local context.

- 7.19 Officers consider that the development now proposed (i.e. the revised scheme) is of a high quality, that the house types are more interesting and of improved form than those of the earlier approval, with an improved detail which has a modern take on some of the brick detailing that can be seen on earlier brick properties in the historic core of Wessington.
- 7.20 The development is more outward facing than the previous scheme and in general sets the parking and driveways to the side and behind the dwellings, so in comparison, will appear an improved layout which is less car dominated and which avoids close boarded fencing onto public spaces. It also achieves an additional dwelling on the site whilst still managing to achieve adequate outdoor amenity space which for each plot is in excess of the 90m² required by Successful Places.
- 7.21 The development will also better reflect the pallet of materials used in the development opposite as it includes a mix of dwellings in either red brick or render and there is use of decorative brick details as a feature including at the eaves and to help articulate corners. It will also have softer edge than the previously approved scheme because it retains the existing mature native hedgerows which form the boundaries of the site and would form two additional hedgerows to the east and west boundaries so that all the external boundaries of the site are comprised of hedgerows of native species. This is important in terms of landscape and ecology and also in compliance with the aspirations of the NP.
- 7.22 Planning conditions will, however, still be required to secure some design details including that the windows and doors are recessed from the external face of the masonry by at least 100mm, flush pointed verges (not dry verges or facias or soffits and no overhanging rafters), boundary treatments, hard surfaces and samples of the bricks and tiles, windows and doors will still be needed.
- 7.23 It is understood that the private section of the road to plots 1, 2, 3 will comprise setts of a stone effect, similar to those used on the development opposite and whilst this has been discussed this detail is not noted on the submitted plans and its detail and implementation can be secured via condition too.
- 7.24 Finally, there is little detail in terms of levels information submitted. A section through the site to compare the height of the dwellings to those on the opposite side of the road has been submitted and they were comparable and this did have some estimated finished floor levels. However, for completeness, the proposed levels in relation to existing and finished floor levels should also be required.

- 7.25 In summary, Officers consider that the design of the scheme is acceptable and improves on the extant permission previously granted and complies with guidance set out in Successful Places. The concerns in relation to design are noted but in this case for the reasons set out above the design of the scheme is considered acceptable.

Landscape

- 7.26 As set out above, the site is located within a primary Area of Multiple Environmental Sensitivity (AMES) and the 'Wooded Slope and Valleys Landscape' character type of the 'Peak Fringe and Lower Derwent'. However, the site does exhibit the characteristics of being located adjoining development and on a village edge. The sensitively designed development of the site, incorporating a positive landscaping scheme is considered sympathetic to its setting and character such that policy SDC3 of the LP is addressed

Heritage

- 7.27 The nearest heritage asset is Cottage Farm, which is accessed off Matlock Road, which is identified in the Neighbourhood Plan as a non designated heritage asset. It is, however, set some distance to the north west and beyond a wide hard surfaced access, such that the proposed scheme is not considered to have any adverse impact on the building or its setting.

Privacy and Amenity Considerations

- 7.28 The dwellings will have adequate size and facilities and are designed with adequate natural daylight and outdoor amenity space in accordance with Successful Places. The layout and orientation of the dwellings as well as their location and treatment of openings will ensure that the amenity of the residents will not be affected by overlooking.
- 7.29 The Environmental Health Officers comments are noted which request planning conditions to limit dust and the site working hours. Planning conditions can be used as suggested to secure these details in the interests of the environment and the amenity of nearby residents.
- 7.30 The footpath now proposed, joining with existing footways (albeit across the road) will aid connectivity with the village as it will facilitate accessing the village without the use of a car and therefore aid the amenity the development offers to its users.

Highway Safety

- 7.31 There has been concerns raised in the representations and consultation responses in relation to the safety of the access and the lack of footway back to the village.

- 7.32 Highway comments were received on the amended layout. These were positive about the size and position of the access as well as the proposed layout of the site and parking and manoeuvring provision. However, more detail on the visibility splay and in relation to the extent of the footway was required. This detail has now been received and demonstrates that the 2.4m x 120m visibility splays are achievable in both directions as required.
- 7.33 Amended plans were provided to include a 2m footway along the site frontage to tie into the existing footway at Wistanes Green. However, this has since been omitted following concerns raised about achieving access onto the footway at Wistanes Green because this is a privately owned estate, including the footway. The Highway Authority advice has been that given the 3rd party land issues and for safety reasons it is better to omit the footway and have it terminate at the radii of the access. Amended plans have been received to demonstrate this.
- 7.34 In response to the concerns raised by residents and the parish council about lack of a footpath linking back to the village (because one was omitted) an alternative footpath has now been proposed. This uses land that is not in the ownership of the applicant, and only came forward on the day of February Planning Committee which led to the decision being deferred from that meeting.
- 7.35 To achieve this footpath the site area of the application has been amended and the certificates of ownership updated with appropriate notice served on the landowner.
- 7.36 Whilst Officers had considered that land being in separate ownership would be a barrier to achieving such a footpath and therefore discounted the idea, the applicant has been proactive and agile in seeking to address the concerns raised, and explained it is achievable. It now forms part of the proposal and is within the site area.
- 7.37 Now the alternative footpath is proposed the scheme much better accords with the requirements of the Local Plan policies SS1, SDC12(F) and ID3 and the Neighbourhood Plan policy 3 : Design Principles and Aspirational Policy 1: Highway Safety. With the footpath the development will be more sustainable and offer greater highway safety and much greater level connectivity and amenity for pedestrians as they will be more able to access the village without the use of a car.
- 7.38 Subject to conditions to secure the parking and turning spaces, visibility splays and a construction management plan the Highway Authority have no objections and the scheme is considered acceptable in highway safety terms. Planning conditions will also be required to secure that the footpath is substantially complete prior to first occupation of the dwellings and complete before occupation of the 4th dwelling (approximately half way through the development) and permanently so maintained.

7.39 The objections raised in the representations in relation to highways matters including highway safety are all noted. Officers consider, however, based on the advice received from the statutory consultee, that the proposed development would not lead to a demonstrable severe harm to highway safety and on the issue of highway safety the development in this instance is considered to be acceptable.

Drainage Considerations

7.40 The site falls in Flood Zone 1 which has the lowest probability of flooding. The Environment Agency Data shows that a small section of the site fronting Matlock Road has a low to medium risk from surface water flooding. This is approximately 50m in length and extends into the site by approximately 7m from the site boundary. The guidance in the NPPG (National Planning Policy Guidance) is therefore that a Flood Risk Assessment is required.

7.41 A Flood Risk Assessment (FRA) has been received and deals with the risk associated with the surface water flooding and suggests appropriate mitigation which includes –

- Finished Floor Levels should be set 150mm above surrounding ground levels.
- Site levels should allow for safe access and egress during surface water flooding.
- SuDS principles should be incorporated where feasible (e.g. pervious surfaces).
- Best practice should be followed for gradients of proposed surfacing, the capacity of the system should include modelling for climate change. This should encourage the flow of any surface water away from the buildings.

7.42 The FRA mitigation can be secured by a planning condition to ensure the development is carried out acceptably.

7.43 As originally submitted the planning statement explained that a drainage report was undertaken by a consultant which suggested the incorporation of SuDS techniques into the scheme. However, this plan has not been updated when the layout and house types were amended. Representations received have also picked up that both the SuDS and the drainage plan have not been updated. The appointed agent has explained that a similar approach will be utilised in the amended scheme, and that they are satisfied that this can be resolved via a pre commencement condition.

7.44 The Lead Local Flood Authority have commented that surface water discharge will need to be limited to 2 l/sec (unless agreed otherwise with the relevant authority). This 2 l/sec requirement can be used in a planning condition to secure SuDS. Officers consider that planning conditions can secure the mitigation required by the FRA and agree a suitable Sustainable Drainage Scheme to mitigate the impact of the development and the existing sites surface water issues. This will ensure that the development is in accordance with LP SDC11 and the NPPF.

Land Contamination/Land Stability Considerations

- 7.45 A Coal Mining Report has been submitted, it finds no risk associated with the site. The Coal Authority also advise that this is a low risk area and therefore they did not need to be consulted, but their standard foot note should be used if permission is granted.
- 7.46 A Phase 1 desk top study report has been submitted to determine the environmental nature of the site and any environmental concerns and liabilities with particular reference to past contaminative uses. Amongst other things this identified that the chance of contamination is low and therefore remediation is unlikely to be required. It also considered the ground stability and ground stability potential issues ranged from no hazard to very low potential. It did identify that basic radon protection measures are necessary in the construction of new dwellings. The report does advise that it is a phase 1 study and that a phase 2 would move onto taking trial holes to rule out contaminants. A phase 2 contamination report can be required by planning condition given these finding and to ensure that the development accordance with the polices of the Local Plan and the NPPF.
- 7.47 The Council's Environmental Health Officer (EHO) has not raised issues in relation to stability or contamination.
- 7.48 Officers conclude that subject to conditions there are no technical reasons relating to land contamination or land stability that would preclude development.

Ecological Considerations

- 7.49 An Ecological Appraisal dated December 2022 has been submitted with the application. This considered the impact on the ecology of the site including protected species. Amongst other things it identifies the existing hedgerows provide a network of connective habitat across the site, which link with other hedgerows and habitats in the wider area. It is a species rich habitat and the report explains they should be protected during the development in accordance with BS5837. At present the tree protection plan only shows protection for the two retained trees. Officers have asked for this to be updated, however instead the agent has agreed this can be dealt with via a pre commencement condition.
- 7.50 The amended scheme retains less trees than the scheme first submitted because these are category C trees, which are recommended for felling on the updated tree survey. The amended scheme shows 3 large replacement trees and an additional 17 trees. Given their category C status and the replacement trees being proposed this loss is considered to be acceptable.
- 7.51 The report also recommends a range of biodiversity enhancements for the stie including bat and bird boxes in retained trees or integrated into buildings and native species planting scheme within the site boundaries.

- 7.52 Derbyshire Wildlife Trust (DWT) have reviewed the submitted Ecological Appraisal and their own data including the Derbyshire Biological Records Centre. They advise that the hedgerows are a habitat of Principle Importance, and they have records of hedgehogs and badgers within 300m of the site boundary and also two ponds within 200m of the site. Some measures will be required to ensure that breeding birds, hedgehog, badger and bats are not adversely affected. They accept that the ecological appraisal sets out a range of mitigation and enhancement and that this is acceptable but additional measures are also recommended, including swift boxes. DWT consider that the final details for mitigation and enhancements will need to be written up in detail and submitted under conditions for a Construction Environment Management Plan for Biodiversity and as part of a Biodiversity Enhancement Plan for the site.
- 7.53 It is also noted that representations include comments from the Derbyshire Swift Conservation Trust which have recommended a condition to achieve Swift suitable biodiversity enhancements at the site. This is considered to be appropriate given the finding of the ecology report and the requirements the NPPF and the Local Plan PolicySDC4 which require biodiversity enhancements.
- 7.54 Subject to securing the suggested mitigation in the submitted ecological report, the suggested conditions and a condition to ensure that in addition to the tree protection and protection for the hedgerow the proposal is considered to be acceptable.

Renewable Energy

- 7.55 Given the requirements of the Local Plan to reduce the need for energy in new development and ensure it can use energy efficiently through the lifetime of the development and to adapt and mitigate the effects of climate change Officers have requested solar panels on the roofs of buildings where they would be practicable. The agent explained that they would likely have to do this as part of building regulations. However, from a planning perspective it is better to have these designed into the scheme rather than as an after thought. On that basis the plans were amended to include solar panels to the roof where these were practicable. These can be secured by planning condition.
- 7.56 Officers note that in representation it has been identified that the properties don't include Electric Vehicle Charging provision. Since June 2022 this has become a requirement of every new home via building regulations, therefore it is not necessary for this detail to be shown on the plans or addressed by the planning application.

Other Considerations

- 7.57 Representations have raised issues over the number of school places available at the local school, however on a development of this scale there is no requirement in

policy to provide infrastructure contributions for schooling. School allocations are dealt with by the Local Education Authority and not considered to be material to determining this application.

Summary and Conclusion

- 7.58 The principle of the proposal is contrary to the Development Plan because it is located outside of the settlement development limits. This weighs against the scheme.
- 7.59 However, the fact that an extant planning permission exists on the site for 8no. dwellings is a weighty material consideration in favour of approving a development of this character which in many ways is comparable with that approved previously.
- 7.60 Officers also contend that the design and layout of the latest scheme is superior to that previously approved and will represent an upgrade on that already approved. This weighs in favour of this scheme.
- 7.61 There are other factors to be taken into account but mostly they are neutral in weight and merely address planning constraints such as surface water flooding, neighbouring amenity, heritage and highway safety. However, the ecological enhancements that can be achieved through the proposed scheme do add some further limited weight in favour of the proposal.
- 7.62 Therefore, Officers consider there are other material matters that in this case outweigh the importance to be attached to the Development Plan and accordingly recommend that planning permission is granted.

8.0 Recommendation.

- 8.1 That planning permission is **CONDITIONALLY APPROVED** subject to the following conditions, with the final wording delegated to the Planning Manager (Development Management):-

Conditions

1. The development hereby permitted shall be started within three years from the date of this permission.

[Reason: To comply with the provision of Section 92 (as amended) of the Town and Country Planning Act 1990]

2. The development hereby approved shall be carried out in accordance with the amended plans and specifications referenced:

- 001 rev A Location Plan

- 020 rev J Proposed Site Plan
- 021 rev C Proposed Highways Plan
- 050 rev A Cressbrook Plan
- 051 rev B Cressbrook 2 Plan
- 052 rev A Manifold Plan
- 053 rev B Wolfcote Plan
- 055 rev D Padley Grindleford Plan
- 056 rev B Padley Grindleford 2 Plan
- 060 rev B Cressbrook Brick Elevations
- 061 rev B Cressbrook 2 render Elevations
- 062 rev B Manifold Elevation
- 063 rev C Wolfscote Elevations
- 064 rev B Cressbrook Render Elevations
- 065 rev D Padley Grindleford Elevations
- 066 rev B Padley Grindleford 2 Elevations
- 1539-002 Tree Protection Plan
- 11367-FPCR-XX-XX-DR-L-0001 Landscape Strategy Plan
- A3_105 Rev A Double Garage Plan
- A3_106 Rev A Single Garage Plan
- A3_110 Rev A Double Garage Elevation
- A3_111 Rev A Single Garage Elevation

or otherwise required by any other condition in this decision notice.

[Reason: For clarity and the avoidance of doubt]

3. **Hedgerow Management** - As annotated on the approved plans '11367-FPCR-XX-XX-DR-L-0001' the hedgerows shall remain outside of the domestic curtilage of the dwellings. Prior to commencing development a management scheme for these hedgerows and the existing hedgerows that are shown to be retained shall be submitted to the Local Planning Authority for approval in writing. Once approved the hedgerows shall be managed and maintained in accordance with these details and shall be permanently so maintained.

[Reason: In the interests of retaining the hedgerows throughout the lifetime of the development and in the interests of the character and appearance of the development and its landscape setting, in accordance with Local Plan Policy SDC3, and Neighbourhood Plan Policy 2:]

4. Before the commencement of construction works including any demolition in connection with the development hereby approved, a program of measures to minimise the spread of airborne dust from the site during construction periods shall be submitted to and approved in writing by the Local Planning

Authority. The construction shall be undertaken in accordance with the approved scheme.

[Reason: In the interests of the amenity of neighbouring properties]

5. Construction works on the site and deliveries to the site shall be undertaken only between the hours of 07.30am to 6pm Monday to Friday and 7.30am to 1pm on Saturday. There shall be no work undertaken on site or deliveries to the site on Sundays or public holidays.

[Reason: In the interests of the amenity of occupants of nearby properties including the nearby dwellings and businesses and in accordance with policy SDC13 of the North East Derbyshire Local Plan.]

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

[Reason: To ensure that the development does not adversely affect breeding birds, in accordance with Local Plan Policy SDC4, Wessington Neighbourhood Plan Policy 2, and the NPPF insofar as it relates to protected species]

7. Prior to the installation of external lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats and other nocturnal wildlife. This shall provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of light spill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). Once approved external lighting shall not be carried out other than in complete accordance with the approved scheme and shall be permanently so maintained.

[Reason: To ensure that the development does not adversely affect bats, in accordance with Local Plan Policy SDC4, Wessington Neighbourhood Plan Policy 2, and the NPPF insofar as it relates to protected species].

8. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the

local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements for badger and hedgehog).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

[Reason: In accordance with Local Plan Policy SDC4, Wessington Neighbourhood Plan Policy 2, and the NPPF to ensure that mitigation measures to avoid and minimise impacts on species and retained habitats are in place and adhered to]

9. Prior to building works commencing above foundation level, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. Approved measures shall be implemented in full and maintained thereafter. The Plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:
 - universal nest boxes at ratio of 1:1, in line with British Standard 42021:2022.
 - integrated bat boxes.
 - insect bricks / towers.
 - fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs.
 - summary of ecologically beneficial landscaping (full details to be provided in Landscape Plans).
 - The retention and management of hedgerows and hedgerow trees within a development free buffer.
 - summary of ecologically beneficial landscaping (full details to be provided in Landscape Plans).
 - The planting of new native hedgerows and trees to compensate for any hedgerow or tree removal. Photographs of these features in situ shall be submitted to the LPA to discharge this condition and the features shall be maintained in perpetuity.

[Reason: To secure biodiversity enhancements in accordance with Local Plan Policy SDC4, the NPPF and Wessington Neighbourhood Plan Policy 2.]

10. The development shall not be carried out other than in complete accordance with section 4 of the Ecological Appraisal (December 2022, FPCR).

[Reason: To ensure the biodiversity protection and enhancements suggested by the applicants ecological consultants are carried]

11. Prior to building works commencing above foundation level an integral swift nest box plan for the selection, siting, positioning and installation of integral swift nest boxes, such as swift bricks incorporated within the external walls of the development, shall be submitted to, and approved in writing by, the local planning authority. The integral swift nest box plan shall be prepared in accordance with the requirements of BS 42021 or equivalent best practice guidance and shall identify, as a minimum: a) the type and number of integral nest boxes to be installed; b) the specific buildings on the development into which boxes are to be installed, shown on appropriate scale drawings; c) the location on each building where boxes are to be installed, shown on appropriate building plans and elevations. A statement of good practice including photographs shall be submitted to the local planning authority prior to the discharge of this condition, demonstrating that the boxes have been selected and installed in accordance with BS 42021. The development shall not be carried out other than in complete accordance with the approved integral nest box plan and approved details and all boxes shall be permanently so maintained.

[Reason: To enhance the biodiversity of the site in line with National Planning Policy Guidance Natural Environment 2019 paragraph 023.]

12. The development hereby approved shall be carried out strictly in accordance with the submitted Flood Risk Assessment by 'collinshallgreen Ltd' dated Jan 2024 Ref: J023-CHG-00-XX-RP-S-0003 and shall incorporate all mitigation measures detailed that Flood Risk Assessment.

[Reason: In the interests of minimising flood risk. In accordance with Policy SDC11 of the North East Derbyshire Local Plan.]

13. The means of disposal of foul sewage/foul water shall be to the mains sewer.

[For clarity and the avoidance of doubt and to ensure there is no pollution of the water environment]

14. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. These shall include a sustainable drainage scheme to achieve a surface water discharge of no greater than 2.0 l/sec. The submitted details shall:
- a. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - b. include a timetable for its implementation; and
 - c. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

[Reason: In the interest of satisfactory and sustainable drainage. In accordance with Policy SDC11 of the North East Derbyshire Local Plan and the NPPF.]

15. No development shall commence until full details of the ground floor level of the proposed dwellings in relation to existing and finished ground levels and relative to a fixed datum have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.

[Reason: In the interests of the appearance of the area and in accordance with Policies SDC12 of the North East Derbyshire Local Plan.]

16. Prior to commencing development a detailed scheme of tree/hedgerow protection for the existing hedgerows which are being retained shall be submitted to the Authority for approval in writing. Once agreed these protection measures shall be installed in accordance with the approved details shown on this plan before any other works commence on site and shall be retained in position until all the building works hereby approved have been completed. The area within the fenced/protected area shall not be used for storage or the parking of machinery or vehicles and the ground levels shall not be altered.

[Reason: In the interest of the amenity of the area and in accordance with Policies SDC2, SDC3, SDC4 & of the North East Derbyshire Local Plan.]

17. As shown on plan '1539-002' the existing trees which are being retained (T10 & T7) shall be protected as shown and these protection measures shall be installed in accordance with the approved details shown on this plan before any other works commence on site and shall be retained in position until all the building works hereby approved have been completed. The area

within the fenced/protected area shall not be used for storage or the parking of machinery or vehicles and the ground levels shall not be altered.

[Reason: In the interest of the amenity of the area and in accordance with Policies SDC2, SDC3, SDC4 of the North East Derbyshire Local Plan.]

18. Before development starts any Intrusive Site Investigation (Phase II) required by the submitted Phase 1 Desk Top Study by Collinshallgreen ref 'J023-CHG-00-XX-RP-S-0001' (and any necessary Remediation Method Statement (Phase III) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the agreed surveys and mitigation shall be carried out strictly in accordance with the approved details.

[Reason: To protect the environment and address any contamination issues and in accordance with Policy SDC14 of the North East Derbyshire Local Plan]

19. The Development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on drawing no A1_020C Revision J titled Proposed Site Plan and retained as such thereafter.

[Reason: To ensure conformity with the submitted details.]

20. The development hereby approved shall not be occupied until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 120 metres in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6 metres from the edge of the carriageway. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.

[Reason: In the interests of highway safety and in accordance with Policy ID3 of the North East Derbyshire Local Plan.]

21. The Development hereby approved shall not be occupied until the site access works as shown on drawing no. A1_021 Revision C titled Proposed Highway Plan, have been constructed and completed.

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

22. Prior to commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:

- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Advisory routes for construction traffic;
- Any temporary access to the site;
- Locations for loading/unloading and storage of plant, waste and construction materials;
 - Method of preventing mud and dust being carried onto the highway;
 - Arrangements for turning vehicles;
 - Arrangements to receive abnormal loads or unusually large vehicles;

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

23. All planting, seeding or turfing in the approved scheme of landscaping shown on plan '11367-FPCR-XX-XX-DR-L-0001' shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

[Reason: In the interest of the appearance of the area and in accordance with policies SDC3 and SDC12 of the North East Derbyshire Local Plan and the policies of the Neighbourhood Plan.]

24. Notwithstanding any submitted details, before development starts a plan to show the positions, design, materials, height and type of boundary treatments to be erected and/or retained shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the occupation of the building hereby approved and it shall be retained as approved.

[Reason: To safeguard the privacy of neighbours and in accordance with Policies SDC12 of the North East Derbyshire Local Plan and in the interests of the character and appearance of the development and the landscape character of the area.]

25. Prior to commencing any above ground works samples and specifications of the brick, render, and roof tiles shall be submitted to the Authority for approval in writing. Once agreed the development shall not be carried out other than in complete accordance with these agreed details.

[Reason: In the interests of the character and appearance of the development in accordance with Local Plan Policy SDC12]

26. The windows and external doors shall be recessed from the external face of the building by no less than 100mm and shall be permanently so maintained.

[Reason: In the interests of the character and appearance of the development in accordance with Local Plan Policy SDC12]

27. The roof verges shall be flush cement pointed and shall not use dry verge.

[Reason: In the interests of the character and appearance of the development in accordance with Local Plan Policy SDC12]

28. The gutters shall be black and fitted on rise and fall brackets (with the exception of the entrance canopies/porches) without the use of fascia or bargeboards and there shall be no overhanging rafters.

[Reason: In the interests of the character and appearance of the development in accordance with Local Plan Policy SDC12]

29. Prior to installing the windows and doors details of the material and finish shall be submitted to the Authority for approval in writing. Once agreed the door and windows shall not be installed other than in complete accordance with the agreed details.

[Reason: In the interests of the character and appearance of the development in accordance with Local Plan Policy SDC12]

30. Prior to installing hard surfaces, precise details of these shown on a materials plan shall be submitted to the Authority for approval in writing. Once agreed the development shall not be carried out other than in complete accordance with the agreed details.

[Reason: In the interests of the character and appearance of the development in accordance with Local Plan Policy SDC12]

31. Prior to occupying the dwellings hereby permitted where solar panels are shown on the roofs of the dwellings on the approved plans these shall be installed. These shall be integrated into the roof so they finish flush with the roof and shall be black panels with black frames and non reflective.

[Reason: In the interests of the character and appearance of the development and achieving sustainable development and renewable energy in accordance with Local Plan Policies SS1, SDC10, SDC12]

32. Prior to occupation of any of the dwellings hereby permitted the proposed footpath shown on the approved plans which links the development to the

existing footpath on Matlock Road (A615) shall be substantially completed. The footpath shall be completed prior to occupation of the fourth dwelling hereby permitted and shall then be permanently so maintained.

[Reason: To ensure the footpath link is provided in the interests of the amenity of the site, reducing the need to travel by car and ensuring the development properly links with the existing settlement in accordance with Local Plan policy SS1, SDC12, ID3 and Neighbourhood Plan Policies NPP3, ASPIRATIONAL Policy 1 and the NPPF.]

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