

APPLICATION NO. 19/01147/FL

APPLICATION Application to vary condition 5 (Construction traffic Management plan) and 7 (timetable to green lane access) pursuant of 14/00901/FL

LOCATION Land To The Rear Of 14 To 22 Green Lane And 4 To 16 Park Avenue, Dronfield

APPLICANT Neil Twigg

CASE OFFICER Phil Slater

DATE RECEIVED 21 November 2019

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Councillor Parkin

REASON: On the grounds of highway safety contrary to T2 of the North East Derbyshire Local Plan and the National Policy Framework.

1.0 SITE DESCRIPTION

1.1 The wider application site comprises two paddocks to the south of Park Avenue and within the Dronfield Settlement Development Limit. The site is accessed via an existing single width, tree lined, access taken from between no's 8 and 10 Park Avenue. The site is currently overgrown grassland, and is sited to the rear of properties facing on to Park Avenue and Green Lane.

1.2 The site is visible from a public footpath which runs along the southern site boundary. This footpath provides pedestrian access to Cliffe Park to the south and to playing fields to the east. This footpath is the subject of this variation of conditions application.

2.0 PROPOSAL

2.1 This is an application to vary the wording of conditions 5 (method statement) and condition 7 (implementation plan and timetable) pursuant of application NED/14/00901/FL. The variation is required to allow the formation of the Green Lane access private drive within a new timescale of implementation.

2.2 Planning permission NED/14/00901/FL was granted in 2015 for the construction of 6 no detached houses, with four houses accessed via the existing access off Park Avenue to the north; and plots 1 and 2 accessed via an existing driveway directly onto Green Lane to the west. Pre-commencement conditions have been discharged and a material start made on site. The application is therefore extant.

2.3 Condition 5 required that construction traffic access the site via Park Avenue only; and this application proposes to vary the condition to allow access via Green Lane for the approved improvements works to the private drive only. No construction traffic for the houses would use the Green Lane access.

- 2.4 The proposed variation of condition 5 would be *“Development to be undertaken in accordance with the submitted details shown on drawing 1999-110-A Construction Plan. The plan shall be adhered to throughout the construction period and with the exception of the upgrading of the private drive off Green Lane, all construction traffic shall be via the Park Avenue access only.”*
- 2.5 Condition 7 required that design and construction details, including a timetable for implementation for the works to the Green Lane access be submitted to and approved in writing by the Local Planning Authority. This application proposes to vary the condition to allow for a revised timetable for implementation during school holidays. The dates include Spring half term 2020. If the works are unable to be carried out they would move to the next suitable school holiday period, such as Easter 2020.
- 2.6 Condition 7 is proposed to be amended to *“Work to the Green Lane access, incorporating widening of the driveway, raised table and construction of the footpath to be undertaken in full in accordance with the submitted details shown on drawing 1999-112-C, 199-114 and the Green Lane access works programme ref: 1999-115. The approved scheme shall be implemented in full in accordance with the approved timetable and retained as such thereafter.”*
- 2.7 Condition 5 and 7 were previously discharged under NED/17/000989/DISCON.

3.0 AMENDMENTS

- 3.1 None.

4.0 PLANNING HISTORY

- 4.1 NED/09/00993/FL – Planning permission was granted in July 2010 for the Construction of 5 detached two storey houses at land to the rear of 4-16 Park Avenue.
- 4.2 NED/11/00361/FL – Planning permission was refused for the construction of five detached dwellings with integral garages (revised scheme of 09/00993/FL) at land to the rear of 4-16 Park Avenue. An appeal dismissed.
- 4.3 NED/11/01103/FL - Construction of 5 detached dwellings with integral garages (revised scheme of 11/00361/FL) (Amended Plans) at land to the rear of 4-16 Park Avenue. An appeal was allowed.
- 4.4 NED/13/01146/FL - Construction of 7 no. detached dwelling houses with integral garages (Revised scheme of 11/01103/FL including access off Green Lane) at land to the rear of 4-16 Park Avenue. This application was withdrawn.
- 4.5 NED/14/00901/FL - Construction of 6 No detached houses with integral garages (revised scheme of 13/01146/FL) (Amended Plans). Conditionally Approved.
- 4.6 NED/15/00437/FL - Removal of condition 5 of 14/00901/FL so that construction traffic may access the site via Green Lane. Refused
- 4.7 NED/17/00989/DISCON - Application to discharge conditions 2, 3, 4, 5, 7, 14, 15, 19, 20, 21, 22, 23, 25, 26, 27 and 28 pursuant of 14/00901/FL. Conditions discharged.

4.8 NED/19/00809/FL - Application to vary conditions 5 (Method statement) and 7 (Implementation Plan and Timetable) pursuant of 14/00901/FL (Amended title/Amended plans). Refused November 2019.

5.0 PLANNING POLICY CONSIDERATIONS

5.1 The Development Plan comprises the North East Derbyshire Local Plan. The policies most relevant in determining this application are as follows.

- GS1 Sustainable Development
- H2 Housing Development on other sites within Settlement Development Limits
- H12 Design and Layout of New Housing
- T2 Highway Access and New Development
- T9 Car Parking Provision

5.2 Other relevant policy documents include Successful Places Interim Design Guide.

5.3 The Dronfield Neighbourhood Plan is adopted and carries full weight in the determination of the application. The relevant policies would be:-

- HOU1: Windfall Housing Development
- HOU2: Housing Mix

5.4 The evolving Local Plan: the North East Derbyshire Local Plan: Publication Draft (PD) (2014-2034) is also relevant to this application. In that Dronfield is identified as a Level 1 Town.

5.5 The Council is at an advanced stage in the production of a new local plan which reflects national guidance in the NPPF and provides for the development needs of the district for the period 2014-2034. The plan was submitted to the Secretary of State at the end of May 2018 and is currently under examination. This document has been subject to extensive consultation and sets out clearly the Council's strategy for sustainable development and should be afforded weight in decision making.

5.6 The following policies are considered those most relevant to this application and are a material consideration.

- SS1 Sustainable Development
- LC4 Type and Mix of Housing
- SDC12 High Quality Design and Place Making
- ID3 Sustainable Travel

6.0 PUBLICITY, CONSULTATIONS AND REPRESENTATIONS

6.1 The application was validated on the 21 November 2019 with a determination date of 15 January 2020. An extension of time has been agreed until the 14 February 2020 to allow the application to be considered by members of planning committee. A Site notice was posted on the footpath adjacent to Green Lane and consultation letters were sent to all properties which adjoined the application site.

- 6.2 One **Ward Member** has objected the application and requested a committee determination on the grounds of highway safety contrary to T2 of the North East Derbyshire Local Plan and the National Policy Framework.
- 6.3 **Dronfield Town Council** has objected to the application on the basis that the application is unacceptable because the benefits of the project do not outweigh the adverse impact that would be caused to highway safety contrary to policy T2 of the North East Derbyshire Local Plan and paragraphs 109 and 110 of the National Planning Policy Framework.
- 6.4 The Town Council is concerned about the volume of building and works traffic that will be generated on Green Lane and it is also concerned about the safety issues of children and elderly residents using the entrance to Cliffe Park during the works being carried out, if planned during school holiday times.
- 6.5 The Town Council understands that previous planning permissions have stated that the access from Green Lane cannot be used for any construction traffic, as the lane does not meet highway standards in terms of visibility and safety is compromised when accessing Green Lane. The Council understands that all traffic should access the site in question from Park Avenue.
- 6.6 The **County Highway Authority** have not raised an objection to the proposals and have commented that in respect of condition 5 that the provision of Heras fencing to maintain a division between the turning area and the field as a whole is acceptable. In respect of condition 7 the HA have commented that the programme of works is acceptable.
- 6.7 **7 objections** have been received from local residents which have raised the following issues (in summary):-
- Contractors have closed off the path so that they can remove trees.
 - Lane has already been cleared of trees (*officer note: not a planning consideration*)
 - Green Lane is now a very busy road with traffic gridlock 4 times a day during rush hour and school drop off and pick up times. During these periods any attempt to bring construction vehicles in and out of Green lane would cause major traffic disruption and danger to pedestrians.
 - Using Park Avenue route would alleviate any additional congestion on Green Lane.
 - This application does not address safety concerns on previous applications
 - The path is used daily all year round by children accessing the park and school playing fields as well as families and this use is incompatible with construction traffic.
 - A further amendment may be sought to access all properties via Green Lane. (*Officer note: not a planning consideration as such an amendment would require permission.*)
 - Residents of Green Care Home use the access daily and use of the footpath will compromise safety.
 - The first application to remove condition 5 (NED/15/00437/FL) was refused and Highways raised concerns. (*Officer note: this application proposed construction traffic for the construction of plots 1 and 2 which is materially different from the current application*)

- Bearing in mind the previous history, the consistent objection from residents, the Town Council, the Dronfield School and two previous refusals by planning committee. There have been no changes since the last refusal in respect of traffic concerns.
- Application should be refused maintaining a consistent response to this third application.
- Whilst this application gives detailed planning to the construction of alterations to the proposed access off Green Lane it in no way addresses the various safety concerns which led to the condition that all the construction traffic would have to use the Park Avenue access.
- The plan Identifies days when various tasks are to be completed not identifying the hours to be worked. The noise and disruption could well be 24hrs per day. (*Officer Note: Condition 16 of the original permission restricts construction works to 7:30am-6pm Mon-Fri and 7:30-12pm Saturday.*)
- Reiterate its concerns about the unsuitability of the proposed vehicular access onto Green Lane, which cannot be regarded as safe. Large vehicles will have to swing out in order to enter the access, presenting a hazard to traffic coming uphill from the Callywhite Lane/ Chesterfield Road junction.

6.8 Comments have been received from **Dronfield Henry Fanshawe School** raising the following points:-

- DHFS has been involved in the consultation process of previous planning applications
- The main school site does not have any playing fields on them and therefore we have to leave the site, cross over Green Lane and travel down the lane to provide field facilities to students in all year groups. Throughout previous, and current, applications the school has communicated with both local residents and the developers. All communications have been professional, forward-focused, solution-based and of a positive nature.
- The key issue for the school has always been the safety of students who use the lane to access the playing fields. In addition, students that have permission to be off-site at lunchtime use the lane to access Cliffe Park.
- During the winter months movement down the lane is minimal.
- During spring, summer and autumn, the lane is used regularly by a large number of students throughout the day and therefore due consideration must be given to the safety and wellbeing of the students in any modification of the area.

6.9 The **agent** has submitted a note and photographs of works carried out by Derbyshire County Council (DCC) along the access and lane and during school term time. The agent has also stated that an appeal to the earlier decision has been submitted to the Planning Inspectorate. The agent has raised the following points in regards to DCC tree felling:-

- It is clear that the County Council undertook dangerous tree felling work as outlined below:
 1. During school term time
 2. Without the same level of supervision as proposed by my client
 3. Without the same level of protective fencing as proposed by my client
 4. Closed the footpath during the felling operations
 5. No liaison with Henry Fanshaw School as required for my client

6. Undertook multiple heavy lorries movements to Green Lane, without supervision over the felling period – however, this action did not result in the level of danger and increase to the accident rate as Members of the planning Committee, or the immediate community had implied at the Planning Committee meeting.

7. working on site for 5 days

- This inconsistent approach should be considered when the current application is considered. Equally, the precise level of highway safety harm resulting from the County Council's tree felling work, namely none, will also be reported to the Members
- This evidence of working practice which is clearly deemed acceptable to the Council will also be reported to the planning Inspectorate should the appeal have to be progressed.
- This additional information clearly supporting the actions of my client will be considered and used to demonstrate to Members and the public that the perceived level of harm created and reference in the reason for refusal is without foundation.

6.10 The **agent** has submitted a further representation regarding HGV deliveries to the Green Nursing Home including photographs. The agent states:-

- 15th January 2020 significant disruption to traffic caused by HGV making its daily food delivery to the nursing home during peak school drop off time and peak rush hour traffic.
- HGV is parked on double yellow lines, blocking the footpath at time that school children are approaching the area.

7.0 PLANNING CONSIDERATIONS

7.1 The planning considerations for this application relate to any changes impacting on highway safety.

8.0 PLANNING ASSESSMENT

8.1 This application seeks to vary condition 5 (method statement) and condition 7 (implementation plan and timetable) pursuant of application NED/14/00901/FL. This is a re-submission of a similar application refused in November 2019. An appeal on this decision has been lodged with the Planning Inspectorate.

8.2 Planning permission NED/14/00901/FL was granted in 2015 for the construction of 6 no detached houses, with four houses accessed via the existing access off Park Avenue to the north; and plots 1 and 2 accessed via an existing driveway directly onto Green Lane to the west.

Principle of development

8.3 Planning permission has been granted for 6 dwellings which includes plots 1 and 2 being accessed directly off Green Lane and via the private drive. This permission is extant and a material start has been made, along with the principle of the construction works being undertaken in school holidays.

8.4 The proposed improvements to the Green Lane access and private drive have been approved in principle under application NED/14/00901/FL and therefore this application seeks to vary the timetable for implementation and to allow

construction traffic to access Green Lane for the private drive improvements **only**. Construction of the dwellings would be via Park Avenue as originally approved. The duration of the works under consideration would be 6 days.

Highway Issues

- 8.5 The Highway Authority (HA) has not raised an objection to the variation of the conditions 5 and 7. The reasons for these conditions being originally imposed were on the grounds of highways safety and therefore the comments of the Highway Authority carry considerable weight in the planning balance.
- 8.6 With regards to condition 5 the HA have commented that there is an existing fence in this location and that the developer has previously proposed that the smaller of the two fields be used as a turning space for vehicles (to prevent the need for reversing on the lane) which would require the removal of some of this fencing. The developer has confirmed that they would provide Heras fencing to maintain a division between the turning area and the field as a whole. The HA consider that this would be acceptable.
- 8.7 With regards to condition 7, Construction details on Drawing No. 112 Revision C are acceptable and the latest programme of works is also considered acceptable and there are, therefore, no objections to the rewording of this condition.
- 8.8 The NPPF is clear in that it states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts of the road network would be severe. Notwithstanding the previous refusal in 2019, in view of the HA not raising an objection, Officers do not consider that there is any counter evidence that the construction traffic using the access for the short time period (6 days) involved in the upgrading of the private drive would result in a demonstrable harm to highway safety or that the transport impacts would be severe. Planning permission for the upgrading of the access and use by 2 dwellings has already been granted planning permission. Officers consider therefore that the highway impacts can be satisfactorily addressed by the revised conditions.

Impact on Neighbours

- 8.9 The planning permission that exists has controls on the hours of operation, and there is no material changes to the proposal for the access to serve plots 1 and 2. Officers therefore consider that there would not be any significant increase in noise or disturbance as a result of the proposed variation. There may be some additional inconvenience as a result of the works access via Green Lane but this is not considered to be sufficient to warrant a refusal of the application.

Other Matters

- 8.10 A number of representations have been received some of which raise issues relating to the impact of the works on the users of Cliffe Park and the potential for more development to take access off Green Lane.

- 8.11 The use of the Green Lane access other than for plots 1 and 2 would require a further planning application and is not a matter for consideration under this application.
- 8.12 The concerns of residents are noted with regards to users of the park and impact on the school, however permission for the access has already been granted and in view of the Highway Authority again not raising an objection Officers are satisfied that the development would not have an adverse impact on access to the park or pedestrian safety.

Conclusion

- 8.13 This application seeks the variation of 2 conditions of an extant permission for 6 dwellings within the Dronfield settlement development limits. Officers consider that the proposed revised wording of the conditions would not result in a detrimental impact on highway safety and the proposals are considered to be acceptable.

9.0 SUMMARY OF CONSULTATIONS

County Highways:	no objections
County Planning:	n/a
Environmental Health:	n/a
Drainage:	n/a
Access Officer:	n/a
Neighbour:	objections received
Ward Member:	objections
Parish Council:	objections

10.0 RECOMMENDATION

That Planning Permission is **APPROVED** subject to conditions, the final wording of which is delegated to the Planning Manager (Development Management):-

1. The development hereby approved shall be carried out in accordance with the details shown on the following plans:-
 - 1999-112-C Driveway widening detail
 - 1999-110-A Construction Plan
 - 1999-115 Green lane Access Works Programme
 - 1999-114 Private Drive Works
Plan approved under NED/14/00901/FL
 - 1999-101-G Site Plan
 - 1999-106-B Site Sections
 - 1999-106-A House Type D
 - 1999-107 House Type A variant
 - 1999-102-A House Type A
 - 1999-103-B House Type B
 - 1999-104-A House Type C
2. The landscaping scheme shall be carried out in accordance with the details approved under NED/17/00989/DISCON dated 16 January 2018.

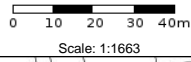
3. All planting, seeding or turfing in the approved scheme of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the 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.
4. The boundary treatments shall be implemented in accordance with details approved under NED/17/00989/DISCON dated 16 January 2018 by the Local Planning Authority. The approved scheme shall be completed before the first occupation of any dwelling; and shall be retained as approved thereafter.
5. Development to be undertaken in accordance with the submitted details shown on drawing 1999-110-A Construction Plan. The plan shall be adhered to throughout the construction period and with the exception of the upgrading of the private drive off Green Lane, all construction traffic shall be via the Park Avenue access only.
6. Throughout the period of development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.
7. Work to the Green Lane access, incorporating widening of the driveway, raised table and construction of the footpath to be undertaken in full accordance with the submitted details shown on drawing 1999-112-C, 1999-114 and the Green Lane access works programme Ref: 1999-115. The approved scheme shall be implemented in full in accordance with the approved timetable and retained as such thereafter.
8. Prior to the introduction of vehicle movements at the junction of the access with Green Lane, consequential on the development proposals, visibility sightlines shall be provided extending from a point 2.4m back from the Green Lane carriageway edge extending to the extremities of the application site boundary abutting the highway in each direction. The land in advance of the sightlines shall be cleared and retained permanently free of all obstructions above ground level.
9. Prior to the first occupation of either Plot 1 or Plot 2 the "vehicular turning area" shown on drawing No 1999/101E shall be constructed in full retained as such thereafter free of any impediment to its designated use.
10. Prior to the occupation of any of Plots 3 - 6 the vehicle turning space shown on drawing No 1999/101 E shall be constructed in full and retained as such thereafter free of any impediment to its designated use.
11. Prior to the occupation of either Plot 1 or Plot 2 the "bin collection area" shown on drawing No 1999/101 E, shall be constructed and retained as such thereafter free of any impediment to its designated use.
12. The approved garaging and car parking spaces shall be kept available for the parking of motor vehicles at all times. Notwithstanding the provisions of the

Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the garage/car parking spaces hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging and parking of private motor vehicles associated with the residential occupation of the property.

13. Before the dwellings are first brought into use, the area shown on the approved plans as reserved for the parking, garaging, circulation and standing of vehicles, shall be provided in accordance with the approved details. Thereafter the area shall be used for those purposes only.
14. The roofing and walling materials shall be implemented in accordance with details approved under NED/17/00989/DISCON dated 16 January 2018. The approved scheme shall be implemented in full; and shall be retained as approved thereafter.
15. The finished floor levels of the dwellings and finished ground levels of the site shall be implemented in accordance with details approved under NED/17/00989/DISCON dated 16 January 2018. The approved scheme shall be implemented in full and shall be retained as approved thereafter.
16. Construction works on site and deliveries to the site shall be undertaken only between the hours of 7.30am to 6pm Monday to Friday and 7.30am to 12pm on Saturday. There shall be no work undertaken on site or deliveries to the site undertaken on Sundays or public holidays.
17. There shall be no building or other obstruction located over or within 3.0 metres either side of the centre line of the 450mm sewer which crosses the site.
18. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
19. The surface water drainage site shall be implemented in accordance with details approved under NED/17/00989/DISCON dated 16 January 2018. The approved scheme shall be implemented in full prior to the first occupation of the dwellings and shall be retained as approved thereafter.
20. The foul drainage site shall be implemented in accordance with details approved under NED/17/00989/DISCON dated 16 January 2018. The approved scheme shall be implemented in full prior to the first occupation of the dwellings and shall be retained as approved thereafter.
21. The Mitigation strategy for amphibians and reptiles shall be implemented in accordance with details approved under NED/17/00989/DISCON dated 16 January 2018. The approved scheme shall be implemented in full prior to the first occupation of the dwellings and shall be retained as approved thereafter.
22. The construction environmental management plan shall be implemented in accordance with details approved under NED/17/00989/DISCON dated 16 January 2018. The approved scheme shall be implemented in full prior to the first occupation of the dwellings and shall be retained as approved thereafter.

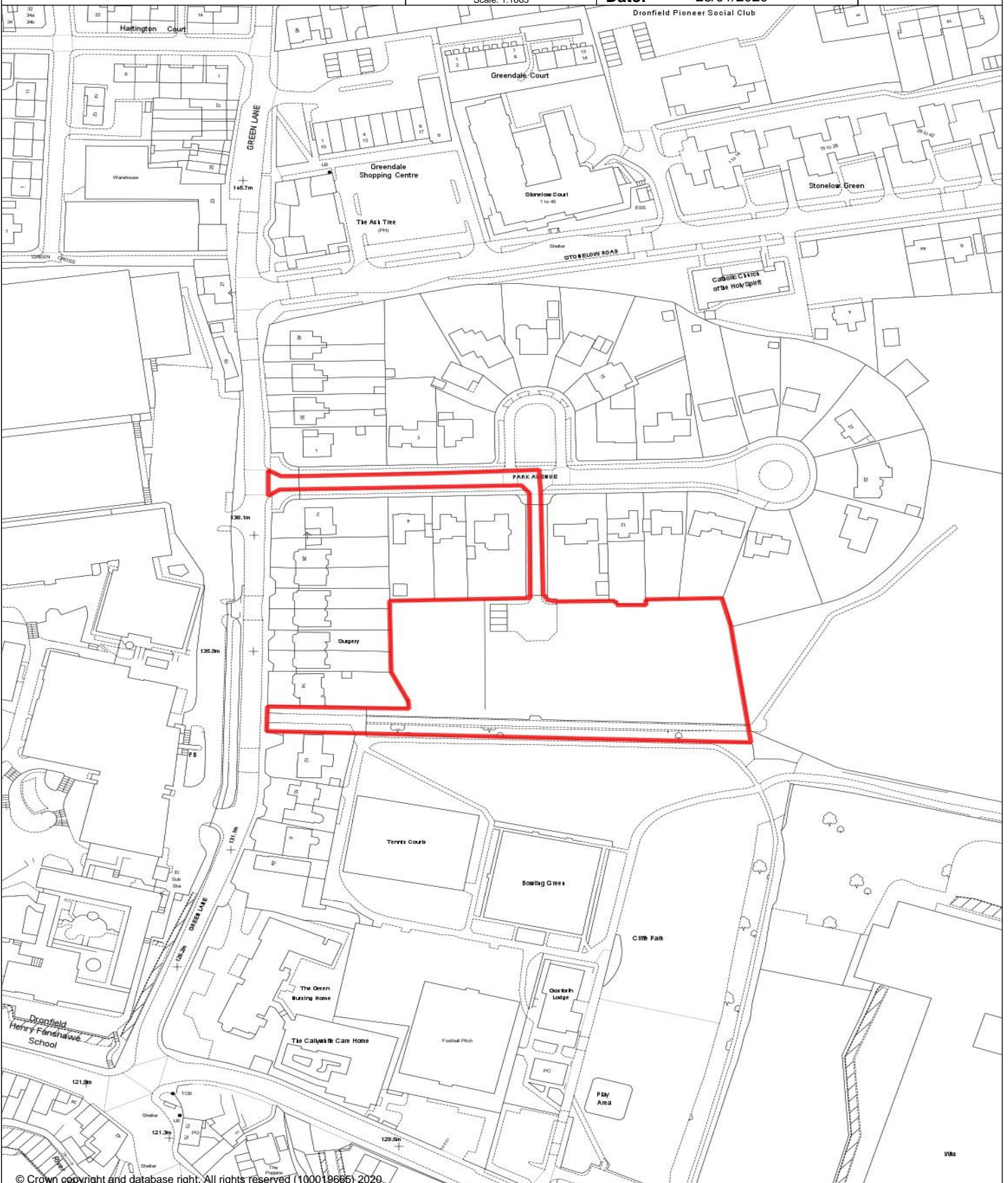
23. The permanent wildlife corridor shall be implemented in accordance with details approved under NED/17/00989/DISCON dated 16 January 2018. The approved scheme shall be implemented in full prior to the first occupation of the dwellings and shall be retained as approved thereafter.
24. No site clearance works associated with the development of this site including removal of trees, hedgerows or other vegetation shall take place during bird breeding season (March to August) unless otherwise agreed in writing by the Local Planning Authority following the submission of detailed surveys and method statements.
25. The external lighting shall be implemented in accordance with details approved under NED/17/00989/DISCON dated 16 January 2018. The approved scheme shall be implemented in full prior to the first occupation of the dwellings and shall be retained as approved thereafter.
26. The bat and bird mitigation for trees to be felled shall be implemented in accordance with details approved under NED/17/00989/DISCON dated 16 January 2018. The approved scheme shall be implemented in full prior to the first occupation of the dwellings and shall be retained as approved thereafter.
27. The mitigation measures timetable shall be implemented in accordance with details approved under NED/17/00989/DISCON dated 16 January 2018. The approved scheme shall be implemented in full prior to the first occupation of the dwellings and shall be retained as approved thereafter.
28. The biodiversity enhancement scheme shall be implemented in accordance with details approved under NED/17/00989/DISCON dated 16 January 2018. The approved scheme shall be implemented in full prior to the first occupation of the dwellings and shall be retained as approved thereafter.
29. If during construction works associated with the development hereby approved, any areas suspected of being contaminated are discovered, all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority. The assessment shall take the form of a Phase I contaminated land assessment (desk-study) and shall detail the site investigation strategy required to deal with the contamination identified. Any investigation required shall be undertaken in accordance with the scheme submitted and shall comply with current Government Guidance. The local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination.

Upon completion of the remediation works carried out in accordance with the site investigation strategy; a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.



Author: K. Spelman

Date: 28/01/2020



APPLICATION NO. 19/00673/FL
APPLICATION Development of seven dwellings with associated access and landscaping (Amended Title/Amended Plans)
LOCATION 94B Main Road, Morton
APPLICANT Wibb Builders Limited
CASE OFFICER Graeme Cooper
DATE RECEIVED 17 July 2019

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Cllr Cooper

REASON: Major concerns regarding the proposed development with specific reference to the layout, its impact on countryside and highway safety, with specific reference to the layout and access into and out of the site being difficult.

This application has been brought back to planning committee following efforts of Officers to seek amendments to the proposal. Members will recall that the application was deferred to allow the applicant to provide information on the access and its suitability to be used by elderly and disabled persons; and to address concerns relating to how refuse will be collected from the site.

1.0 SITE DESCRIPTION

- 1.1 The application site comprises land associated with number 94B Main Road, Morton. Part of the site appears to be an area of closely mown grass associated with this residential property. Most of the site being overgrown shrub and a pocket of young tree planting.
- 1.2 A track cuts through the centre of the site, with land either side overgrown scrub and self-set trees. It leads from Main Road to the north, into the site serving properties to the east.
- 1.3 Land levels on the site are relatively flat, with the southern extent of the site steadily falling away. Land levels beyond the site fall away more quickly into the valley. The access track serving the site extends south down towards a range of outbuildings. A former dismantled railway lies in the valley bottom. This former railway is identified in the Emerging Local Plan as a future greenway route.
- 1.4 The site is edged by residential development to the north and east, with some residents on Main Road sharing the vehicular access track, with a small parking area located to the rear of numbers 70 and 72.
- 1.5 The site appears open to the west and south, with only post and wire fencing dividing the site from open countryside.
- 1.6 The site entrance is located close to a zebra crossing which helps serve Morton Primary School.
- 1.7 The site sits predominantly outside the Settlement Development Limit (SDL) in open countryside, with only part of the access track within the SDL.

2.0 PROPOSAL

- 2.1 The original proposal was for the erection of 9 dwellings on land to the rear of properties on Main Road, Morton.
- 2.2 Concern was raised by the case officer regarding the density of the proposal and the scale of the dwellings along the southern edge of the site. A meeting was held between the case officer and developer, resulting in the submission of an amended scheme, details of which are provided below in Section 3.0.
- 2.3 The application is accompanied by a planning statement, highways impact assessment and associated drawings, ecological appraisal and coal mining risk assessment.

3.0 AMENDMENTS

- 3.1 An amended scheme has been submitted reducing the number of dwellings down to 7. These being a mix of 3 bungalows and 4 detached dwellings.
- 3.2 The bungalows would comprise 3 bedrooms with the detached properties being hipped, 4 bed dwellings. All but one property is provided with 2 off street parking spaces and a garage, with the other having 2 off street parking spaces.
- 3.3 The proposal includes a new access road with turning head to allow for larger vehicles to enter and exit the site in a forward gear. Parking spaces for existing properties on Main Road would be retained on the eastern side of the access track.
- 3.4 A number of amended plans have been submitted which confirm that for the most part two vehicles can pass along the access, a large vehicle can enter and exit the site in a forward gear, that pedestrians could be provided with a defined pedestrian route marked on the surface of the road and that bins can be presented in a safe location back from the highway on refuse collection days.

4.0 PLANNING HISTORY

- 4.1 No relevant planning history.

5.0 DEVELOPMENT PLAN POLICIES

- 5.1 The most relevant policies of the Local Plan are:-
 - GS1 Sustainable Development
 - GS5 Settlement Development Limit
 - GS6 Development in Open Countryside
 - GS9 Planning Obligations
 - GS10 Crime Prevention
 - H3 Housing Development Outside SDL
 - H6 Affordable Housing Provision
 - H12 Design and Layout of New Housing
 - NE1 Landscape Character
 - NE3 Protecting & Managing Features of Importance to Wild Flora & Fauna

NE6 Development Affecting Nationally Rare Species
NE7 Protection of Trees and Hedgerows
NE9 Development and Flood Risk
BE1 General Design Principles
T2 Highway Access and the Impact of New Development
T5 Walking and Cycling
T9 Parking Provision
CSU4 Surface and Foul Water Drainage
CSU6 Contamination Land

5.2 The Council is now at an advanced stage in the production of a new Local Plan (Publication Draft) (LPPD) which reflects national guidance in the NPPF and would provide for the development needs of the district for the period 2014 – 2034. The Plan was submitted to the Secretary of State at the end of May 2018 and undertook examination earlier this year. The document sets out the Council's strategy for sustainable development and should be afforded weight in decision making. It is currently paused.

5.3 The most relevant policies contained in the Local Plan (Publication Draft) include:

SS1 Sustainable Development
SS9 Development in the Countryside
LC4 Type and Mix of Housing
SDC2 Trees, Woodland and Hedgerows
SDC3 Landscape Character
SDC4 Biodiversity and Geodiversity
SDC11 Flood Risk and Drainage
SDC12 High Quality Design and Place making
SDC14 Land Potentially affected by Contamination or Instability
ID3 Sustainable Travel

5.4 Other policy documents that are material to the determination of this application are:

- Successful Places Interim Planning Guidance
- Sustainable Buildings SPD

5.5 The overarching planning policies contained in the National Planning Policy Framework (NPPF) are also significant material planning considerations.

6.0 PUBLICITY, CONSULTATIONS AND REPRESENTATIONS

6.1 The application was validated on 17 July 2019 and was due to expire on 10 October, however an extension of time was agreed until 10 January 2020 to allow the applicant to submit an amended layout and for the application to be considered by members of planning committee. A site visit was undertaken by the case officer on 15 August. A site notice was placed at the site entrance on Main Road which expired on 6 September.

6.2 The **Parish Council** was consulted and raised the following objections:

- Valuable green space and development should be concentrated on other existing brownfield sites
- Lack of infrastructure in the locality and concern village is already struggling

- No GP or dental surgery in the village
- No community centre in the village
- Bus services are infrequent and do not pass through the village
- Already sufficient housing built in village
- Only limited facilities in the village, including small shop/post office, 2 hair dressers and 2 public houses
- Impact on ramblers and dog walkers using Red Lane which has no pedestrian causeway [Officer note: this is not a designated public right of way]
- Insufficient parking within the site
- Refuse collection could be problematic given proximity to school
- Footpath on Main Road is busy at school crossing times

6.3 The **Parish Council** was re-consulted on the amended scheme. A further detailed objection was received raising the following comments:

- Concerns with submitted Highway Impact Assessment being inaccurate
- Parking is accepted on the footway in Morton
- The proposed access encroaches on zig zag lines of the zebra crossing
- Numbers 66 and 68 currently park on the footpath, moving the spaces down a private drive is unacceptable
- No pedestrian access provided to these new parking areas
- Highway comments have not been addressed
- Overall width of shared driveway should be 7.5m
- Pinch points on driveway are below these standards
- Valuable green space
- Sufficient new housing in Morton
- Detrimental impact on ramblers and dog walkers using track leading down Red Lane which has no footway
- Insufficient car parking provision

6.4 The **Local Ward member** raised major concerns regarding the proposed development with specific reference to the layout, its impact on countryside and highway safety. The member considers that if officers are minded to approve the scheme, the application should be considered by members of planning committee.

6.5 In considering the amended details, the **Local Ward member** raised concern to the impact of the proposed development on the surrounding countryside and on highway safety, with specific reference to the unacceptability of the layout and access arrangements with the entrance into and exit out of the site being especially difficult.

6.6 The **County Highways Authority** (HA) note the reduction from 9 to 7 dwellings. 19 parking spaces are provided within the site, but the plans do not include replacement parking. The proposal seeks to improve highway safety by providing bollards on the existing footway to either side of the access to prevent off street parking. The HA consider that the principle of bollards is acceptable, however details should be submitted to and approved in writing by the LPA. The road would not be adopted by the HA and its maintenance should be the responsibility of the developer or management company. There is concern that larger vehicles entering and exiting the site may struggle to enter and exit the site without encroaching into oncoming traffic. Should

refuse vehicles not enter the site then alternative provision should be provided. In view of the above, no objection is raised subject to conditions.

- 6.7 The **Council's Environmental Health Officer (EHO)** notes that the site is located in an area with a coal mining legacy which can give rise to contamination, including the generation of ground gases. A track crossing the site is a potential source of Made Ground. No supporting information has been submitted with the application as such land contamination conditions should be included on any decision issued by the LPA.
- 6.8 The **Coal Authority (CA)** was consulted on the proposed development and noted that the risk from underground workings is negligible. The CA considers that the submitted coal mining risk assessment is adequate to allow the LPA to determine the application. The CA has no objection to the proposed development, however they point out that further more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent building regulations application.
- 6.9 The **Council's Refuse Team** reviewed the amended scheme and whilst swept path drawings illustrate that a bin lorry can enter and exit the site, there is little room for manoeuvre. The Refuse Officer has major concern about the ability of the Council being able to enter the site from Main Road given the proximity to a pedestrian crossing, the level of on street car parking and number of pedestrians in this location. There is concern that once in the site the large refuse vehicle will not be able to turn and exit the site safely. There is a high risk of the refuse vehicle not being able to exit the site in a forward gear. As such, it is considered that refuse bins should be presented at the kerb side on Main Road.
- 6.10 The **Council's Refuse Team** was consulted on the indicative refuse collection drawings and confirmed that they would prefer to collect bins from the collection point close to the access onto Main Road, rather than enter the application site. It is expected that the refuse vehicle will pull up on Main Road and operatives will enter the site taking bins to the refuse vehicle. Bins will then be returned to the collection area.
- 6.11 **Derbyshire Wildlife Trust (DWT)** considered that sufficient information has been provided in the Ecological Appraisal, prepared by Baker consultants, dated June 2019 to determine the application. It is considered that the recommendations provided in the report are appropriate mitigation measures to offset the ecological impacts of the proposal. Any existing hedgerows should be retained and protected during development. If the Council is minded to approve the proposal, the DWT recommends that conditions be attached to secure mitigation measures.
- 6.12 **Severn Trent Water Authority (STWA)** recommend conditions relating to the disposal of foul and surface water.
- 6.13 The **Council's Drainage Engineer** considered that there was insufficient information submitted with the application to consider drainage matters. In view of this it is recommended that a condition be attached to any decision issued by the LPA.

- 6.14 The **Lead Local Flood Authority (LLFA)** raised no formal comments to the proposal and provided standing advice.
- 6.15 **DCC Landscape Adviser (LA)** was consulted and provided comments on habitat loss and the landscape impacts of the proposal. Overall the LA considers that the visual impacts of the proposal are greater than assessed by the LVIA, however the LA considers that the face the developments presents to the visible southern edge to be more important than screening. The design of this edge needs to be of high quality with frontages of dwellings facing to the south in a similar way to the adjacent properties 94, 94a and 94b Main Road. Parking areas could then be concealed behind the housing and the existing trees/scrub retained and reinforced with additional trees and hedging as a backdrop. In this way the development could be assimilated successfully into the existing built up area. To achieve this, the LA adviser considers that it may require a denser terrace to the south and possibly less housing on the site.
- 6.16 **DCC Infrastructure** confirmed that in line with their Developer Contributions Protocol no contributions will be sought from development of 10 units or less.
- 6.17 **10 objections** have been received from local residents raising the following objections:
- Access track not large enough for increase in traffic movements [*Officer note: the Highways Authority consider that the access can safely serve the proposed development*]
 - Potential loss of hedgerows
 - Concern about noise, dust and pollutions during construction phase [*Officer note: the impact of the construction phase is not a material consideration and is covered by Environmental Legislation*]
 - Encroachment on third party land [*Officer note: this is not a material consideration*]
 - Access from site onto Main Road is unsafe
 - Building is on Green Belt land [*Officer note: this is not Green Belt and is designed as open countryside*]
 - Access road used by ramblers and dog walkers with no footway [*Officer note: this track is a private lane and is not a public right of way*]
 - Loss of wildlife
 - Access to site is in close proximity to a zebra crossing
 - Site has already been development for 4 properties
 - Land has been backfilled in the past [*Officer note: the Councils EHO considers that a number of land contamination conditions be attached to any decision issued by the LPA*]
 - Proposed development would make parking at number 68 unsafe
 - Door to number 68 opens directly onto access track [*Officer note: the door to number 68 is set back from the track that will serve the proposed development*]
 - During school times the footpath is used by school children and is very busy
 - A number of cars are parked on the footway, within the sites visibility [*Officer note: the cars have no right to park on the footway*]
 - Refuse vehicle will not enter the site, meaning that on refuse collection days, up to 18 bins could be presented at the kerbside

- The proposal has no affordable houses [*Officer note: Government guidance states that LPA's can only require affordable housing on major developments*]
- Access is used by agricultural machinery throughout the year, leading to a busy farm
- Proposed dwellings would be close to agricultural use, causing issues of noise and odour complaints [*Officer note: EHO raised no concerns regarding noise and odour issues from neighbouring land uses*]
- Traffic survey should be conducted during school term times
- Negative visual impact on outlook from properties on Main Road

6.18 **1 letter of support** has been submitted in favour of the proposed development. The following comments have been submitted:

- Land is currently unsightly scrub land
- Proposal will meet needs to local residents in terms of affordability
- Installing road will improve pedestrian safety, preventing other road users from mounting the kerb

7.0 PLANNING CONSIDERATIONS

7.1 The planning considerations for this application are the suitability of the proposal in this location in policy terms, its effect on character and appearance of the site and the surrounding street scene, the impact upon the amenity of neighbouring residents and land uses, its ecological impact, land contamination, drainage and highway safety.

8.0 PLANNING ASSESSMENT AND SUMMARY

Principle of Development

8.1 The application site is primarily located outside the defined Settlement Development Limit (SDL) for Morton, within open countryside.

8.2 Local Plan Policy GS1 states that all development proposals will be located within the defined SDLs, unless the development is acceptable in the countryside, or overriding exceptional circumstances are demonstrated. The purpose of the SDLs is to restrain development in the countryside and to focus development upon sites within the SDLs and/or allocated sites to achieve a sustainable pattern of development. Unrestrained housing development is not considered as acceptable development in the countryside, with Policy GS6 stating that new development will only be permitted in the countryside if it meets set criteria. This includes that it would be in keeping with the character and appearance of the countryside and that it would not represent a prominent intrusion into the countryside.

8.3 Local Plan Policy NE1 is a more specific landscape policy which states that the varied and distinctive landscape character of the District should be conserved and/or enhanced. Development proposals that would result in the loss of distinctive features that contribute towards and add value to the landscape character of an area will not be permitted.

8.4 Local Plan Policy H3 sets out the very limited circumstances in which proposals for housing may be permitted (such as the change of use of existing buildings, dwellings that are essential for the operation of an

agricultural or other rural based use, replacement dwellings or affordable housing on rural exception sites) but the development does not fall into any of these categories.

- 8.5 The evolving policies set out in the Local Plan (Publication Draft) (“LPPD”) identifies Morton as a Level 2 settlement with good levels of sustainability. In these locations the LPPD considers that these settlements will provide the location for planned housing growth. Officers therefore consider that Morton represents a generally sustainable settlement capable of accommodating further housing growth. An assessment of site sustainability against the policies contained in the NPPF is made below.
- 8.6 However, whilst noting that the development would be generally contrary to policies GS1, GS6 and H3 of the Local Plan, Officers contend that policies GS1, GS6 and H3 are out of date as they fail to comply with the aims of the NPPF and rely on settlement development limits established in 2005. This stance is consistent with that established in various appeal decisions issued recently where these policies have been rigorously tested.
- 8.7 Policy NE1 does remain relevant however as it reflects a general aim to protect the countryside from inappropriate development which is consistent with the aims of the NPPF. It is therefore considered up to date and the most important policy in respect of determining this application and it is not out of date. As a result, the ‘tilted balance’ set out in paragraph 11(d) of the NPPF is not engaged. The main assessment before Members therefore is whether or not the benefits of the proposed development is outweighed by any harm identified to the local landscape character.

Infrastructure Considerations

- 8.8 The application makes no reference to the provision of affordable housing, with the maximum requirements of the Local Plan and Supplementary Planning Documents being 40% provision on suitable sites of 0.1 hectares and above in settlements with a population of 3000 or fewer.
- 8.9 Notwithstanding the above, the Planning Practice Guidance states that contributions should not be sought from developments that are not major developments. The proposal is for 7 dwellings and does not form major development.
- 8.10 In view of the above, affordable housing provision or financial contributions should not be sought in this instance.

Landscape/Street Scene Considerations

- 8.11 Local Plan Policy and the NPPF consider that the design and layout of new housing development should be considered in the context of the immediate and wider locality. The local pattern of streets and spaces, building traditions, materials and ecology should help to determine the character and identity of any development.
- 8.12 The proposal is for 7 dwellings, these being a mix of bungalows and 2 storey hipped properties served by a private driveway which also serves other

properties to the east. No finished materials have been submitted with the application but this matter can be dealt with by way of condition on any decision issued.

- 8.13 The site backs onto open countryside to the south, a track to the west and onto existing gardens to the north and south east. It would be important to provide adequate boundary features and landscaping across the site. Details submitting with the application at this stage are limited and as such a condition requiring the submission of landscaping and boundary treatments should be submitted to and approved by the Local Planning Authority.
- 8.14 The site gently slopes away to the south, before dropping into the valley where there is a dismantled railway, which is publically owned and allocated as a future greenway in the LPPD. Between the site and this proposed greenway are two paddock/fields. To the west of the current access track which serves a range of agricultural outbuildings to the south is a further paddock, with another farm to the west. To the east development has taken place with single dwellings and outbuildings constructed behind existing development on Main Road.
- 8.15 Land to the south of the application site extending to Stonebroom across the valley is identified in the LPPD as a Local Settlement Gap. The LPPD is a material consideration, but given it is yet to be adopted and currently paused it Officers attach very limited weight to it in the determination of this application. Nevertheless, the application site does not fall within the Local Settlement Gap and as such is not identified specifically as important to the visual character, cultural or historic identity of the locality.
- 8.16 The applicant has submitted a Landscape and Visual Impact Assessment (LVIA), prepared by Weddle Landscape Design dated July 2019. The report concludes that the zone of influence is restricted to localised viewpoints along Main Road and from Stonebroom to the south. Two key public viewpoints are identified in Stonebroom looking back towards the application site. These are considered to be of a low sensitivity. A number of highly sensitive areas are identified in private gardens. The report concludes that once the development is complete there will be slight adverse visual impacts on these Principal Viewpoints. There will also be slight adverse visual impacts to residential receptors to the south and adjacent properties along Main Road, Morton. However these will be mitigated by proposed tree planting on the southern boundary that will provide screening. These impacts will further reduce in the long term as the proposed screening matures.
- 8.17 The Council sought comments from the DCC Landscape Adviser (LA) and it was noted that a large area of young trees and shrub planting would be lost as a result of the proposed development. The LA agrees that the two view points of the site are accurate, with many of the public footpaths having no views of the site. The LA notes that the path along the old railway is omitted. The LA considers that the submitted landscaping scheme is insufficient and lacks detail, indeed some concern is raised that landscaping is illustrated within the gardens of these properties which may be at risk of being lost over time. Overall the LA considers that the visual impacts of the proposal are greater than assessed in the LVIA and that the southern edge should be landscaped adequately in a similar way to properties to the east. The proposed development should assimilate into the existing backdrop. The LA

concludes that there should be less housing on the site and larger gaps between the properties.

- 8.18 Officers note the comments of the LA and appreciate that the proposal would result in the loss of a number of young trees and shrub planting. These landscaping features are not protected and the trees are not considered worthy of protection, and as such could be removed from the site at any time. A scheme of landscaping can be conditioned on any decision and be placed outside the ownership of the properties.
- 8.19 Concerns have been raised from local residents regarding the negative visual impact of the proposed development when looking back towards Main Road. A supporting comment states that the land is currently unsightly scrub land.
- 8.20 Officers conclude from this evidence that it is clear that there would be some limited localised harm to the character of the area but that the proposal would be seen in the context of existing properties on Main Road and other back land development to the east. The proposal would not encroach in to the proposed settlement gap and that in conjunction with a well-designed landscaping scheme, with trees placed outside the domestic curtilages of properties, Officers consider that the proposal would not have an overriding harmful impact on the area and would provide a positive redevelopment of the site. As such Officers conclude that the proposed development would complement the character and appearance of the site and the surrounding street scene, subject to the approval of a strong scheme of landscaping to the south and within the site.

Residential and Neighbouring Land Uses Impact

- 8.21 The proposed development would sit to the south of 70-98 Main Road, Morton. Which are predominantly two storey with upper floor windows looking back towards the application site.
- 8.22 A detached property sits to the south east corner of the application site and is served by a gravel drive, which runs through the centre of the site. A track leading from Main Road into the site also serves a range of farm buildings to the south and doubles as an informal footpath, which leads to a dismantled railway.
- 8.23 The proposed development would see three bungalows set approx. 7m from the northern boundary of the site, with existing properties on Main Road having views back towards the proposed development. Upper floor windows from the existing properties on Main Road would be set back approx. 10m from the boundary of the site. It is considered that this relationship between the proposed bungalows and existing properties on Main Road is acceptable.
- 8.24 No. 94B is located in the south east corner of the site and would be located close to plot 4. It is considered that the relationship between these two properties would be acceptable.
- 8.25 Within the development itself, each property is provided with adequate separation and private garden space that accords with the Council's Successful Places Interim Planning Guidance.

- 8.26 All of the two storey dwellings proposed include upper floor side facing windows which would face back towards other two storey dwellings. These are windows to bathrooms, landings and en suites. Windows provided to bathrooms and en suite bathrooms are high level, where Officers do not consider it necessary to require these to be obscurely glazed. Landing windows are provided at a lower level and are likely to offer views back towards blank walls and high level bathroom windows. In view of this relationship and the landings being non-habitable it is not considered necessary to require these to be obscured in nature and in other respects this relationship too is acceptable.
- 8.27 Some concern has been raised that users of the informal footpath and agricultural buildings will be adversely affected by the proposed development. There is no formal footpath serving the dismantled railway from Main Road and it is considered that this is a private drive. Users of the agricultural buildings may find that there is a slight increase in traffic movements along this track, but Officers do not consider that the proposed development would be harmful to the amenity of these neighbouring land uses.
- 8.28 Overall it is considered that the proposed development would provide adequate privacy and amenity for existing and future occupiers.

Highway Safety Considerations

- 8.29 The proposed development is for 7 dwellings served from a private drive which leads from Main Road to the north. Within the site there is a turning head to allow larger vehicles to enter and exit the site in a forward gear. Each property is served by 2 off street parking spaces and all but 1 property has a garage.
- 8.30 The Highway Authority (HA) was consulted on the proposed amended plans. It is noted that 19 parking spaces are provided within the site, with some off street parking maintained for existing properties on Main Road. Improvements to highway safety, in the form of a scheme of bollards are also proposed. The HA has no objection in principle to this scheme, but consider that details should be submitted to and be approved by the LPA. The road would not be adopted by the HA and its maintenance would be the responsibility of the developer or a management company. There is concern that larger vehicles entering and exiting the site may struggle to do so without encroaching into oncoming traffic. Should refuse vehicles not enter the site then alternative provision should be provided for refuse collection and this can be controlled by way of condition. In view of the above, no objection is raised on matters of highway safety subject to conditions.
- 8.31 Amended plans have been submitted proposing a refuse collection point set back 5.872m from the edge of the footpath. Space is provided for 14x240L bins, in accordance with the Councils waste collection needs. The Councils Refuse Team has confirmed that they would prefer to collect bins from the collection point rather than enter the application site. The refuse collection point is in close proximity to number 70 Main Road, but could be screened from view, details of which can be agreed at a later date. In view of this, and that the bins would be located away from the main amenity area of number 70, it is considered that the proposed refuse collection point would not be detrimental to the amenity of residents. Such a collection point should be

installed and kept free of obstruction prior to the first use of any dwelling hereby approved.

Ecological Considerations

- 8.32 The site is mostly overgrown with a track crossing the site. The south east section of the site forms part of a garden area associated with 94B Main Road. The applicant has submitted an Ecological Appraisal.
- 8.33 The Council's consultee on these matters, DWT, considered the submitted report and concluded that sufficient information has been submitted to allow the LPA to determine the application. The submitted report makes a number of recommendations to mitigate the loss of habitat and the impact on mammals and nesting birds. DWT recommend that any existing hedgerows on site be retained and a scheme of ecological mitigation and enhancement be submitted to and approved by the LPA to secure adequate mitigation measures on site.

Ground Stability/Land Contamination Considerations

- 8.34 The Council's EHO highlighted that the site is within an area which has a coal mining legacy which can give rise to contamination. No supporting details have been submitted with the application. As such it is considered that a number of land contamination conditions be included in any permission issued by the LPA.
- 8.35 The Coal Authority (CA) considers that the risk from underground workings is negligible and that no objection is raised to the proposed development. The CA highlight that further more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent building regulations application.

Drainage Considerations

- 8.36 The site is within a Flood Zone 1, which has a low probability of flooding.
- 8.37 No objections were raised by statutory consultees, subject to the inclusion of foul and surface water drainage conditions on any decision issue by the LPA.

Other Material Considerations

- 8.38 Objections have been received from local residents in relation to off street parking on Main Road and potential disturbance from construction works. Matters relating to illegal or dangerous parking are not material planning matters while disturbance from construction works, in terms of the hours that the site may operate, could be controlled by condition if considered appropriate.

Sustainability Development and Conclusions

- 8.39 The application should be determined following a consideration against the policies of the Development Plan. However, the NPPF sets out a general presumption in favour of sustainable development and that planning permission should be granted without delay where the development plan is

absent, silent or relevant policies are out of date, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the NPPF when taken as a whole or specific policies in the NPPF indicates development should be restricted.

- 8.40 In economic terms, the proposal would clearly have some short terms benefits to the construction industry and the development would create 7 family dwellings, adding to the local community with some ongoing local spend from the occupiers. These same families would help support the local community and provide much needed bungalow accommodation for the village. Therefore the proposal would also clearly have social benefits to the local community. Both the economic and social benefits accruing to the scheme weigh in favour of the application.
- 8.41 As set out above, the proposal would lead to a localised harm to the character of the area, but it would be seen in the context of existing residential development on Main Road. The proposal would not encroach into the adjoining settlement gap, contained in the ELP and would link to the exiting built framework of Morton and, in Officers opinion, not be detrimental to the local historic environment. The localised landscape harm would be mitigated over time by way of landscaping within the site.
- 8.42 Overall, Officers consider that the overall benefits of the scheme would outweigh the localised landscape harm and represent sustainable development.
- 8.43 Having taken into account all these material matters, it is considered that the proposed development would be in keeping with the character and appearance of the site and the surrounding street scene and so would comply with the policies contained in the Local Plan that re a most important in determining the application and NPPF. The proposed development would have a localised landscape impact, but the public benefits of the scheme outweigh that harm.
- 8.44 The proposed dwellings would be of a design which complements the prevailing traditions of the area, furthermore it would not be detrimental to the privacy and amenity of existing and future residents.
- 8.45 In highway safety terms the HA has raised no objection and as such the proposed development would not lead to an unacceptable impact upon highway safety, and the residual cumulative impact on the road network would not be severe enough to refuse the application on highway safety grounds.
- 8.46 Matters relating to ecological mitigation, land contamination, ground stability and site drainage can be addressed by suitably worded conditions.
- 8.47 For the reasons above, it is considered that the proposed development should be conditionally approved.

9.0 SUMMARY OF CONSULTATIONS

<u>County Highways:</u>	No objections subject to conditions
<u>Environmental Health:</u>	No objections subject to conditions
<u>Severn Trent Water:</u>	Comments
<u>Refuse Team:</u>	Comments
<u>Derbyshire Wildlife Trust:</u>	Raised comments in relation to ecological matters
<u>DCC Infrastructure:</u>	No contributions sought
<u>LLFA:</u>	No comments
<u>DCC Landscape Adviser:</u>	Comments
<u>Drainage Engineer:</u>	Comments
<u>Neighbour:</u>	10 objections to proposal 1 supporting letter
<u>Parish Council:</u>	Objections
<u>Ward Member:</u>	Concerns raised and request that the application be considered by members of planning committee

10.0 RECOMMENDATION

That planning permission is **CONDITIONALLY APPROVED** in accordance with officer recommendation, with the final wording of the conditions delegated to the Planning Manager:-

CONDITIONS

Time Limit/Scale of Development

1. The development hereby approved shall be started within three years from the date of this permission.
2. The development hereby approved shall be carried out in accordance with the details shown on the following drawings unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures and unless otherwise required by any condition contained in this decision notice:
 - 100 Rev B (Existing Site Layout, Block Plan & Location Plan)
 - 101 Rev F (Proposed Site Layout & Location Plan)
 - 102 Rev B (Proposed Layouts & Elevations – Plots 1 & 2)
 - 103 Rev A (Proposed Layouts & Elevations – Plot 3)
 - 104 Rev B (Proposed Layouts & Elevations – Plots 4, 5 & 7)
 - 105 Rev A (Proposed Layouts & Elevations – Plot 6)
 - HAS/16-006/51 (Width Measurements for Existing Site Access Track)
 - HAS/16-006/52 (Width Measurements for Existing Site Access Track)
 - HAS/16-006/54 (RCV Access Swept Path Assessment)

- HAS/16-006/55 (RCV Driveway Swept Path Assessment)
- HAS/16-006/56 (RCV Internal Swept Path Assessment)
- HAS/16-006/57 (Potential 14x240L Container Refuse Collection Point)

Details

3. Before above ground works start, precise specifications or samples of the walling and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
4. Before development starts, details of the existing ground levels, proposed finished floor levels of the dwellings and the proposed finished ground levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Landscaping and Boundary Treatments

5. Before above ground works start, the following shall be submitted to and approved in writing by the Local Planning Authority:
 - a) a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land,
 - b) the details of any trees and hedgerows to be retained, together with measures for their protection during development,
 - c) a schedule of proposed plant species, size and density and planting locations and
 - d) an implementation programme.
6. All planting, seeding or turfing in the approved scheme of landscaping 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.
7. Before above ground works start, a plan to show the positions, design, materials, height and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed prior to the occupation of that dwelling and shall be retained as approved unless otherwise agreed in writing by the Local Planning Authority.

Drainage

8. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the

development is first brought into use. Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse is available as an alternative other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered.

Highway Safety

9. Before development commences, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall provide for:
 - a) the parking of vehicles of site operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) storage of plant and materials used in constructing the development;
 - d) details of any site accommodation;
 - e) construction working hours;
 - f) hours of operation; and
 - g) details of how delivery vehicles will be managed into and out of the site along the access track.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

10. Before any other operations are commenced (excluding Condition 9 above), the existing access to Morton Road shall be modified in accordance with the revised application drawings, laid out, constructed and provided with visibility splays of 2.4 metres x 40 metres in the easterly direction and 2.4 metres x 37 metres in the westerly direction, the area in advance of the sightlines being maintained clear of any object greater than 1 metre in height relative to the adjoining nearside carriageway channel level.
11. No dwelling shall be occupied until space has been laid out within the site in accordance with the revised application drawing for cars to be parked, including the replacement parking, and for vehicles to turn so that they may enter and leave the site in a forward gear. Once provided, the spaces shall be maintained free from any impediment to their designated use for the life of the development.
12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the garages hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.
13. There shall be no gates or other barriers on the access road or within the development.

14. The access to Morton Road shall be no steeper than 1:20 for the first 5 metres from the nearside highway boundary and 1:14 thereafter.
15. Prior to the first use of any dwelling hereby approved, the refuse collection area illustrated on drawing HAS/16-006/57, dated 20 January 2020, shall be implemented in full in accordance with the approved details and retained for the designated purpose at all times thereafter.
16. Prior to occupation of any dwelling the subject of this application, the developer shall submit and have approved, in writing, by the Local Planning Authority in consultation with the Highway Authority, a scheme for the provision and installation of bollards within existing highway at either side of the access. The approved scheme of bollards shall be installed/implemented prior to the first occupation of any dwelling and retained as approved thereafter.
17. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the Local Planning Authority. The street shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a private management and maintenance company has been established.
18. Notwithstanding the submitted details, prior to the first use of any dwelling hereby approved, details of a 900mm wide pedestrian route along the western edge of the access shall be submitted to and approved in writing by the Local Planning Authority. The approved pedestrian route shall be implemented in full and retained for the designated purpose at all times thereafter.

Ecology

19. Prior to building works commencing above foundation level, an Ecological Mitigation and Enhancement Plan shall be submitted to and approved in writing to the Local Planning Authority. Mitigation and enhancement measure shall include (but not be limited to):
 - Details of tree/hedgerow planting, including species composition and densities (native species shall be used where possible),
 - Location and extent of features such as boundary hedgerows, with appropriate protection measures,
 - Details of any other habitat creation, including planting schedules where relevant,
 - Location, number and type of bird and bat boxes/bricks; and
 - Details of the location, number and design of hedgehog gaps in fencing.The approved Ecological Mitigation and Enhancement measures shall then be implemented prior to the occupation of each dwelling and fully implemented prior to the occupation of the 7th dwelling. The approved scheme shall be retained as approved thereafter.

Land Contamination

20. Before the commencement of the development hereby approved:

- a) A Phase I land contamination assessment (desk-study) shall be undertaken and approved in writing by the local planning authority.
- b) The land contamination assessment shall include a desk-study with details of the history of the site use including:
 - o the likely presence of potentially hazardous materials and substances,
 - o their likely nature, extent and scale,
 - o whether or not they originated from the site,
 - o a conceptual model of pollutant-receptor linkages,
 - o an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments,
 - o details of a site investigation strategy (if potential contamination is identified) to effectively characterise the site based on the relevant information discovered by the desk study and justification for the use or not of appropriate guidance. The site investigation strategy shall, where necessary, include relevant soil, ground gas, surface and groundwater sampling/monitoring as identified by the desk study strategy.

The site investigation shall be carried out by a competent person in accordance with the current U.K. requirements for sampling and analysis. A report of the site investigation shall be submitted to the local planning authority for approval.

21. Before the commencement of the development hereby approved:

Where the site investigation identifies unacceptable levels of contamination, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall have regard to CLR 11 and other relevant current guidance. The approved scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

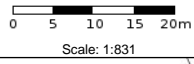
The developer shall give at least 14 days' notice to the local planning authority (Environmental Health) prior to commencing works in connection with the remediation scheme.

22. No dwelling hereby approved shall be occupied until:

- a) The approved remediation works required by condition 20 above have been carried out in full in compliance with the approved methodology and best practice.

b) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, which have not previously been identified, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described in condition 19(b) to 20 above and satisfy condition (a) above.

c) Upon completion of the remediation works required by condition 20 and 21(a) above a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.



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