

PLANNING COMMITTEE – 1st October 2024

Reference Number: 24/00253/FL

Application expiry: 03/10/24

Application Type: FULL

Proposal Description: Erection of a self-build dwelling plus associated hard and soft landscaping (Amended Details)

At: Fall Hill Quarry, Hockley Lane, Ashover

For: Mr & Mrs Kennedy

Third Party Reps: Two representations

Parish: Ashover

Ward: Ashover

Report Author: Graeme Cooper

Date of Report: September 2024

MAIN RECOMMENDATION: Grant permission, subject to conditions

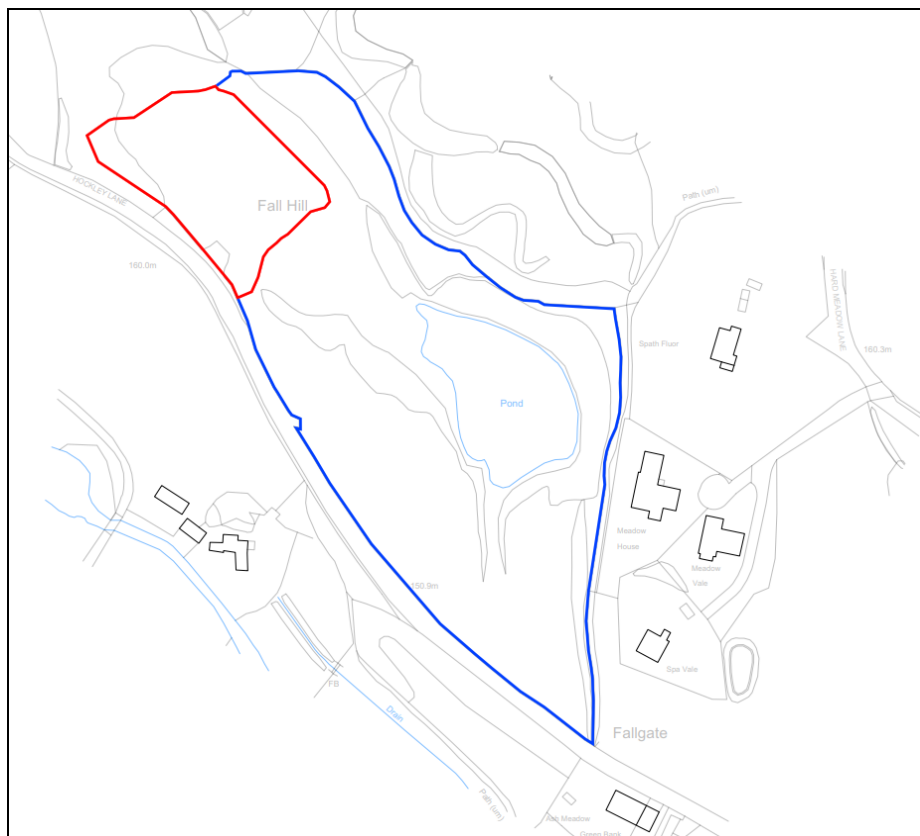


Figure 1: Location plan, with site edged in red

1.0 Reason for Report

- 1.1 Cllr Wetherall requested that the application be considered at committee due to the proposed development falling outside the Settlement Development Limit for Ashover. Although the ward member acknowledges that para 84(e) of the NPPF probably applies but is subjective. There are also concerns raised regarding the guest accommodation being used for holiday accommodation.

2.0 Proposal and Background

Site Description

- 2.1 The application site forms part of Fall Hill Quarry, which is located near to Fallgate approx. 0.7km from Ashover. The application site consists of the former quarry, with steep sloping faces to the north, including woodland and lagoon. The quarry is cut steeply into the south west facing slope of a minor ridge, which looks south west across the valley to the River Amber and towards a further minor ridge.
- 2.2 To the south of the application site is the B6036 Hockley Lane which connects Ashover to Fallgate. Access to the site is from the former quarry entrance and a public right of way crosses on elevated ground to the north eastern boundary of the application site overlooking the lagoon.
- 2.3 The application site forms part of the Fall Hill Quarry Site of Special Scientific Interest (SSSI). This SSSI continues beyond the study area to the north west. The application site covers approx. one half of this SSSI area. This SSSI is designated primarily for its geological importance. It is also part of a Regionally Important Geological Site (RIGS) which continues further to the north west of the application site.

Proposal

- 2.4 This application seeks permission for a single dwelling (Mineral House) at Fall Hill Quarry, Ashover. The proposed dwelling would be formed in the north west corner of the application site, and provide accommodation over two levels with a brown roof.
- 2.5 The proposed dwelling has a contemporary form and includes 3 bedrooms, living accommodation, two guest annexes and associated car parking. Access is taken from Hockley Lane via a gated access.
- 2.6 The proposed levels of the site are mixed with the proposed dwelling positioned on a plateau to the west of the lagoon. The proposed dwelling would be below the levels of existing properties to the east and on a similar level to the public right of way which runs along this edge of the quarry.

Amendments

- 2.7 Following a design review held on 3rd July 2024 the applicant submitted amended landscape plans for the proposed dwelling and the immediate surroundings. A detailed response to consultation comments was also included in the amended documents as well as an updated Design and Access Statement.

3.0 Relevant Planning History (not the full site history)

- 3.1 94/00044/FL | Proposed erection of steel gates at two entrances (Conditionally Approved)
- 3.2 11/00654/CM | CW4/0111/153 Proposal to partially infill Fall Hill Quarry with inert material and in so doing eliminate the potential for flooding (Concerns Raised/Refused)

4.0 Consultation Responses

- 4.1 **Ward Member Cllr Wetherall** requested that the application be considered at committee due to the proposed development falling outside the Settlement Development Limit for Ashover. Although the ward member acknowledges that para 84(e) of the NPPF probably applies but is subjective. There are also concerns raised regarding the guest accommodation being used for holiday accommodation.
- 4.2 **Ashover Parish Council** comment that the Ashover Parish Neighbourhood Plan does not support this application under Policy AP2 as it sits outside the Settlement Development Limit. However, it was noted by Members that the proposal is supported under section 84e of the NPPF and that this may override the Neighbourhood Plan.
- 4.3 **Environmental Health Officer** raised no objection subject to land contamination conditions being included on any decision.
- 4.4 **DCC Highways Authority (HA)** understand that the existing vehicular access is off Hockley Lane, which is subject to the national speed limit is to be retained and enhanced with a new gatehouse which will frame this public view of the site. The HA consider the width of the access to be acceptable to serve the proposed development.
- 4.5 Whilst the applicant has failed to demonstrate vehicular visibility splays, it is acknowledged this is an existing access and given the nature of Hockley Lane which includes several turns at this location, speeds are likely to be significantly lower than the posted limit, and the proposals would not be an intensification considering it's extant use. As such the HA has determined visibility splays of 2.4m x 80m are achievable and have advised a suitable condition.

- 4.6 It is noted an analysis has been undertaken for a fire tender illustrating that a fire tender could access the site and comply with the 45m maximum distance from a fire tender. Furthermore, given the quantum of development the proposed parking and turning area is acceptable.
- 4.7 In view of the above, the HA have no objection subject to conditions relating to the access, parking and turning being provided in line with the submitted details, adequate visibility splays being achieved onto Hockley Lane, a construction management plan being submitted and the first 5m of any driveway being of a solid bound material.
- 4.8 **DCC Planning Policy Team** raised no comments.
- 4.9 **DCC Minerals Team** raised no comments.
- 4.10 **DCC Archaeologist** notes the submitted GPR and Magnetometry Survey and is of the view that there will be no archaeological impacts and as such raises no objection.
- 4.11 **NEDDC Planning Policy and Environment Team – Trees** raised no comments.
- 4.12 **Natural England (NE)** raised no objection subject to appropriate mitigation being secured to retain and incorporate key geological boulders into the proposal and information boards provided advising visitors of the status and protection of the SSSI.
- 4.13 Specifically, NE note that the SSSI contains an exposure of the Ashover Old Vein, together with mine dump material of mineralogical interest. The main mineral is fluorite and fluorite originating from the bottom of the quarry can enclose unusual bright crystals of unaltered marcasite. Of particular interest are coatings of smithsonite and greenockite, which are presumably derived from decomposition of adjacent sphalerite. The greenockite is iridescent and can include the cubic dimorph hawleyite, which is unknown elsewhere in Britain. The geological interest of the site is finite and irreplaceable. Sites with a unique or finite geological resource are particularly sensitive because they are often small and the important interest features are typically restricted in volume. Visitors who carry out specimen collection damage could destroy the interest features for which the SSSI has been notified and have a significant impact on the purposes of designation. Visitors need to be well informed of the protected status of the site and how to avoid potential damage.
- 4.14 If planning permission is granted the LPA is required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. NE should be allowed a period of 21 days to comment prior to any work commencing on site. [*Officer note:*

the intention of Officers is to delay the formal granting of permission until the 21 days consultation period with NE has concluded.]

- 4.15 **Derbyshire Wildlife Trust (DWT)** reviewed the submitted Ecological Appraisal, prepared by FPDR dated March 2024. The report provides results from various surveys undertaken on site in 2021 and 2022. Whilst some time has passed since these reports were carried out the presence of priority species and habitats was confirmed and we consider that update surveys are unlikely to alter the impact assessment for the scheme.
- 4.16 The application area is located within Fall Hill Quarry Site of Special Scientific Interest (SSSI) which is designated for its geological interest. Whilst not designated for its value to nature conservation, priority habitats were recorded and the site supports various priority species, as well as a range of more common wildlife. Whilst not currently designated as a Local Wildlife Site (LWS), the presence of such habitats and species would also mean that the site qualifies as an LWS under several selection criteria.
- 4.17 Surveys confirmed that the site is of value to foraging bats, dingy skipper, small heath and an assemblage of breeding birds. Existing records also confirm that the site is used / has been used by common toad, common frog and smooth newt. Furthermore, reptiles and hedgehogs have been recorded in the locality, despite not being confirmed on site. Both GCN and badgers (i.e. sett) have been confirmed as likely absent from the application area.
- 4.18 The proposed development will be located in the north west corner of the quarry on Open Mosaic Habitat and Calcareous grassland, both of which are used as a priority species dingy skipper and small heath. Partial compensation is proposed through the inclusion of a brown roof, created from the substrate within the footprint of works and the landscaping will also retain / emulate the existing landscape features. However, the impacts of the proposals have not been quantified. Whilst DWT acknowledge the proposed measures to reduce impacts, a biodiversity metric has not been submitted, which is somewhat surprising given the ecological value of the site.
- 4.19 The proposal is exempt from the mandatory 10% Biodiversity Net Gain, however a measurable gain should still be demonstrated. DWT acknowledge some of the measures to minimise impacts, there is no evidence to demonstrate that a measurable gain will be achieved or that adverse impacts to the priority habitats and species on site will be fully mitigated, in line with the NPPF 2023, The NERC Act 2006 (amended by The Environment Act 2021), Policy SDC4 of the North-East Derbyshire Local Plan (2014-2034) and Policy AP16 of the Ashover Parish Neighbourhood Plan 2016-2033 (May 2017). DWT therefore advise the LPA to seek a metric to quantify losses and gains, in order to address this and inform a mitigation strategy for the site. Providing a net gain can be demonstrated, a detailed Landscape and Biodiversity Enhancement and Management Plan (LBEMP) will be

essential to secure long-term management of the site. A CEMP: Biodiversity and sensitive lighting plan should also be secured via condition.

- 4.20 A Biodiversity Metric Appraisal has been submitted by the applicant indicating a net gain on site in biodiversity terms. However, the final comments of DWT were not available at the time of drafting this report and will be reported to members prior to planning committee.
- 4.21 **Health and Safety Executive** raised no comments.
- 4.22 **Derbyshire Police** note that the proposed development has an opportunity to tackle historical misuse associated with the site. The officer has reviewed historic incidents and canvassed the Safer Neighbourhood Team. It is noted that there are very low levels of data for Fall Hill. Very few incidents of note have been reported in the area, other than the tragic drowning of a person back in 2009. Since 2009 there has been infrequent reports of trespass on the site. This is of course within the landscape of a very quiet village which would not regularly or routinely attract a police presence, consequently I accept those residing very close to the site will have better picture of day-to-day occurrences. On the broader principle of residential occupation being an asset to isolated sites, I would tend to agree with supporting information that the development as proposed would, on balance, be of benefit to community safety if the lake is to be retained, which, as far as I'm aware, still presents the same risks as in 2009.
- 4.23 **NEDDC Anti-Social Behaviour Officer** notes that Ashover is a low anti-social behaviour area. It was noted that there are no anti-social behaviour issues on file and trespassing would not be a Community Safety issue.
- 4.24 **Peak and Northern Footpaths Society** raised no comments.
- 4.25 **Ramblers Association** raised no comments.
- 4.26 **DCC Rights of Way Officer** raised no comments.
- 4.27 **Severn Trent Water Authority** raised no comments.
- 4.28 **Councils Drainage Engineer** raised no comments.
- 4.29 The **Lead Local Flood Authority** note that the application site is in a Flood Zone 1. Whilst the details of surface water drainage are minimal officers have no concerns subject to the inclusion of a standard surface water drainage condition.

5.0 Representations

5.1 The application was publicised by way of the display of a site notices. Two site notices were placed adjacent to the application site, one on the site entrance and the other on a public footpath sign to south east.

5.2 Two representations have been received from local residents making the following comments/concerns to the proposal:

- Concern the site would be used for a commercial enterprise
- If a commercial operation it would increase traffic movements
- Commercial use would have a negative impact on the environment from increase in numbers of visitors, increased noise and light from the site
- Commercial activity has chance of spoiling a peaceful corner of the parish which is home to many different species, flora and fauna
- Concern permission has already been refused previously [*officer note: planning permission has never been sought for a dwelling on this site*]
- Concern house would become a form of hotel
- Site is part of a regionally important geological RIGS site
- Concern about noise from amplified nature of the site
- Visitor accommodation appears to be exempted from the high building standards which are proposed for the main dwelling – these elevated building techniques should apply to the entire build

5.3 One representation makes the following supporting comments:

- Reduction of trespass and fly tipping on site
- A simple private dwelling is supported

6.0 Relevant Policy and Strategic Context

North East Derbyshire Local Plan 2014-2034 (LP)

6.1 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
SDC2	Trees, Woodland and Hedgerows
SDC3	Landscape Character
SDC4	Biodiversity and Geodiversity
SDC7	Scheduled Monuments and Archaeology
SDC11	Flood Risk and Drainage
SDC12	High Quality Design and Place Making
SDC13	Environmental Quality
SDC14	Land potentially affected by Contamination or Instability

Ashover Neighbourhood Plan (ANP)

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

- AP2 Development Proposals outside the Limits to Development
- AP11 Design
- AP13 Landscape Character
- AP15 Important Trees and Hedgerows
- AP19 Dark Skies
- AP20 Traffic
- AP21 Footpaths, Cycleways and Bridgeways

National Planning Policy Framework (NPPF)

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

6.4 Specifically para 84 states that *“Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:*

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;*
- d) the development would involve the subdivision of an existing residential building;*
or
- e) the design is of exceptional quality, in that it:*
 - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.”*

6.5 Para 138 states that *“Local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development. The primary means of doing so should be through the preparation and use of local design codes, in line with the National Model Design Code. For assessing proposals there is a range of tools including workshops to engage the local community, design advice and review arrangements, and assessment frameworks such as Building for a Healthy Life. These are of most*

benefit if used as early as possible in the evolution of schemes, and are particularly important for significant projects such as large scale housing and mixed use developments. In assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels.”

Other Material Planning Considerations

6.4 Successful Places Interim Planning Guidance, adopted December 2013.

7.0 Planning Issues

Principle of Development

7.1 Policy SS9 of the Local Plan states that development proposals in countryside locations outside the Settlement Development Limits will be approved where it can be demonstrated to fall within one or more of the listed categories. The proposed development does not in officer opinion meet any of the categories listed in the policy.

7.2 Policy AP2 of the ANP states that land outside the settlements of Ashover, Kelstedge and Littlemoor will be considered as a countryside location. In the countryside, development proposals will be carefully controlled and limited to that which:

- a) support the rural economy and need to be in the countryside.
- b) provide affordable housing to meet a demonstrable need on a rural exception site that is adjacent to the most up to date Settlement Development Limits. These developments may include an element of market housing where it can be demonstrated that it is necessary to make the affordable housing viable.
- c) re-use redundant or underused buildings.

In all cases development will not be seriously intrusive in the countryside and will respect the character of existing settlements and their setting.

7.3 Paragraph 84(e) of the NPPF, which reads: *“Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:*

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;*

d) the development would involve the subdivision of an existing residential building; or
e) the design is of exceptional quality, in that it:
- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area."

- 7.4 In regard to whether the proposed dwelling would be 'isolated' or not in planning terms, there is no such definition within the Development Plan or NPPF. Whether a new dwelling is isolated or not is a planning judgement for the decision maker. Several judgements (Braintree¹ and Bramshill²) have confirmed the interpretation of the concept of "isolated homes in the countryside" is that set out in the Braintree judgement, and that this requires the decision maker to consider whether the development would be physically isolated, in the sense of being isolated from "a settlement" rather than being isolated from "other dwellings".
- 7.5 The application site is located to the north west of the former Fall Hill quarry away from any defined settlement of village location. The nearest properties are Meadow House to the east and Fallgate Mill to the south. Ashover is the nearest defined settlement which is approx. 700m away to the north west. However, Fallgate is identified in the Local Plan as a 'very small village/hamlet' which would be in excess of 200m from the proposed dwelling. Overall, Officers conclude that the dwelling would be isolated in planning terms and as such, subject to whether the proposal would meet one of the listed provisos contained in Paragraph 84(e) of the NPPF, in principle a dwelling in this location would be acceptable.

Design and Landscape Considerations

- 7.6 The applicant is seeking permission for a dwelling, which the applicant believes would accord with paragraph 84(e) of the NPPF which is detailed in full above. The test here is that the proposed dwelling must be isolated in planning terms and the design must be of exceptional quality in that it is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.
- 7.7 The landscape setting in this location is Peak Fringe & Lower Derwent, Wooded Slopes and Valleys of an industrial landscape character in the form of a former quarry where policy SDC3 of the Local Plan states that "*proposals for new development will only be permitted where they would not cause significant harm to the character, quality, distinctiveness or sensitivity of the landscape, or to important features or views, or other perceptual qualities such as tranquillity.*" The site is within a Primary Area of Multiple Environmental Sensitivity (AMES) where proposals

¹ Braintree District Council v Secretary of State for Communities and Local Government[2018]

² Bramshill v Secretary of State for Communities and Local Government EWCA Civ 320

should be *“informed by, and be sympathetic to, the distinctive landscape areas identified in the Derbyshire Landscape Character Assessment and the Areas of Multiple Environmental Sensitivity (AMES), or any successor document(s), and contribute, where appropriate, to the conservation and enhancement, or restoration and re-creation of the local landscape taking into account its wider landscape character type.”*

- 7.8 Together with the above policy, the Local Plan includes policy SDC12 which states that all new development should be of a high-quality design and make a positive contribution to the quality of the local environment. Proposals should respond positively to local character and context; 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; include well designed and strong boundary and landscape features; and include measures to promote environmental sustainability.
- 7.9 The applicant has taken part in two Design Review Panels (DRP) submitted a detailed Design and Access (D&A) Statement and plans to support the proposal. The D&A includes a full appraisal of the site context, evaluation of constraints and opportunities, the design evolution and response to DRP meetings. In line with paragraph 138 of the NPPF, Officers consider that the outcome of the DRP should carry weight in the decision-making process.
- 7.10 In ‘exceptional’ design terms, the proposal is for a lifetime home and its design is a landscape first approach. The applicant considers that the new dwelling in its architecture and landscape architecture is truly outstanding. The quarry site is a dramatic, manmade landscape with the vision of “Mineral House” is to retain this unique sense of place and the relationship between nature and the manmade quarry. The design is of a high-quality contemporary design which is sensitive and responsive to its setting. It directly intertwines architecture, engineering, landscape architecture and ecological habitat creation. The proposal would also be seen as an educational resource for students from Liverpool and Keele Universities. The design team considers that the proposal would be seen as an exemplar development in NED and the wider County.
- 7.11 The application site is a former quarry, located in the parish of Ashover. The proposal is for a substantial two storey contemporary house with guest annexes. Figure 2 below shows two cross section views of the proposed dwelling. the main house would include 3 bedrooms and accommodation over two levels, including an integral garage. The annexes will be to the side and rear of the property and include bedrooms, living accommodation and guest parking is provided adjacent to the annexe. Access is taken from Hockley Lane using the existing quarry access. A new gateway and pavilion will frame the site entrance.



Figure 2: Elevation plans of Mineral House

7.12 The plans illustrate that the proposed dwelling will sit on a plateau to the north west of the former quarry, as seen in Figure 3 below. Indicative visuals have been provided by the applicant illustrating the siting of the proposed dwelling and its relationship with the surrounding area.



Figure 3: Proposed cross section of application site

7.13 Since 2022 the applicant has engaged with Officers and undertaken two DRP's with Design Midlands. The latter review notes that the design concept is drawn from a

landscape first, architecture second approach, and the special and unique character and quality of the site. The DRP note that the revised position of the dwelling to the rear of the site enables it to sit within the site topography and better respond to views into and out of the site. The DRP commented on the quality and contribution the building would make on views into the site, especially from the public right of way. The house is linear in form and references the strata of the site and a 'conceal and reveal' approach is proposed for the scheme. The DRP considered changes undertaken to the scheme, from the initial DRP meeting, are positive and the scheme overall to be thoughtful, coherent and convincing. The DRP commented that the proposal should provide glimpsed views of the dwelling which would hint at the exceptional design of the house, which would contribute positively to the experience for those using the footpath. Full comments from the DRP are available to view online.

7.14 In response to the DRP comments, the applicant submitted an updated Design and Access statement along with amended landscape plans. The revised details sought to address the DRP comments relating to the sense of arrival at the development and design of the central courtyard, clarifying and developing the approach to views from the proposed dwelling, further details of green and blue infrastructure and how the dwelling would be used as a learning tool.

7.15 As a result of the DRP, the applicant has prepared storyboard sketches to provide clarity as to how the entrance to the site will be formed and how the dwelling can be enjoyed from outside the site. The sketch below in Figure 4 illustrates a revised gatehouse, dry stone walling and vertical fin metal gates allowing for views into the site. All this is considered to create a sense of arrival and hint at the design of the dwelling within.



Figure 4: Sketch view from Hockley Lane looking back towards the application site

- 7.16 Additionally, the courtyard design has been updated to amend the layout, mix of materials and soften the entrance into the space. Two interpretation boards are also proposed adjacent to the dwelling and another on the public right of way which overlooks the lagoon. The content of the boards could include information such as: the mining history of the site, the unique geology found within the site, the site ecology and its management, the design concept, Passivhaus design principles and the construction used within the building. Details of which can be controlled by way of condition. A full response to the DRP can be found online.
- 7.17 Overall, Officers consider that the detailed concept, design, site conditions and DRP comments align to support the conclusion that the scheme would meet the test of being of an exceptional design that is truly outstanding, reflecting the highest standards in architecture helping to raise standards of design more generally in rural areas and would significantly enhance its immediate former quarry setting, and be sensitive to the defining characteristics of the local area. Furthermore, the proposed development is informed by and sympathetic to the AMES and be of the highest quality of design which would not cause significant harm to the character, quality, distinctiveness or sensitivity of the landscape, or to important features or views, or other perceptual qualities such as tranquillity.

Ecological/SSSI Considerations

- 7.18 The application site is designated SSSI site covering the application site and land further to the north west. Land to the north and north west is identified as a Priority Habitat and the nearest Local Wildlife Site is Stars Wood & Milltown Quarry located approx. 130m to the south of the application site.
- 7.19 Policy SDC4 of the Local Plan states that “*the Council will protect and enhance the District’s natural environment and seek to increase the quantity and quality of biodiversity and geodiversity.*” This includes protecting and promoting the enhancement of sites such as this SSSI.
- 7.20 The proposal is exempt from the Biodiversity Net Gain (BNG) requirements due to it having been submitted to the LPA on 26th March 2024, prior to the BNG requirements coming into effect for small sites such as this.
- 7.21 The applicant has submitted an Ecological Appraisal and Arboricultural Assessment, prepared by FPCR both dated March 2024. The Ecological Appraisal considers the sites statutory status as an SSSI, general habitats found on site, badgers, bats, amphibians and reptiles. The Arboricultural Assessment looks at the existing tree planting, the impact of development on the trees, tree protection measures, new tree planting and future tree management.
- 7.22 Natural England (NE) have raised no objection to the proposal, subject to appropriate mitigation being secured to retain and incorporate key geological

boulders into the proposal and information boards provided advising visitors of the status and protection of the SSSI.

- 7.23 Derbyshire Wildlife Trust (DWT) have requested evidence that the proposal would provide a measurable gain will be achieved or that adverse impacts to the priority habitats and species on site will be fully mitigated in line with national and local requirements. DWT advise that metric to quantify the loss/gain on site is submitted in order to inform a mitigation strategy for the proposal. A Biodiversity Metric Appraisal has been submitted confirming a net on site increase in biodiversity. DWT's final comments on this appraisal and any suggested conditions were not available at the time of drafting this report to members, but will be reported prior to planning committee.
- 7.24 The Councils Tree Officer raised no comments to the proposal.
- 7.25 In view of the above, Officers consider that the proposed development will protect and enhance the natural environment, increasing the quantity and quality of biodiversity and geodiversity on site. Furthermore, the proposal will protect and enhance on site tree planting for their wildlife, landscape and amenity value. Therefore, subject to conditions, there is no good reason to preclude development.

Privacy and Amenity Considerations

- 7.26 Local Plan policy SDC12 states that new developments should “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.”
- 7.27 The proposed dwelling is located within Fall Hill Quarry with the nearest properties being Meadow House approx. 170m to the east and Fallgate Mill approx. 120m to the south on the opposite side of Hockley Lane.
- 7.28 Derbyshire Police note that the proposed development has an opportunity to tackle historical misuse associated with the site. They are of the view that the proposed development would be a benefit to community safety. Furthermore, the Councils Anti-Social Behaviour Officer raised no objection to the proposal.
- 7.29 Officers are of the view that due to the isolated position of the proposed dwelling and location of nearby dwellings, that the proposed development would not result in any loss of privacy, overlooking, overshadowing and/or any overbearing impacts.
- 7.30 The proposal does however have opportunity to impact the amenity of nearby residential properties from potential noise disturbance due to its position in an amphitheater setting of the former quarry. However, the Councils EHO has not raised any concerns in relation to noise and due to the separation distance between

the dwellings and proposed use of the site Officers are of the view that the proposal would protect the amenity of existing occupiers.

- 7.31 With regards to the impact on future residents, the site is relatively isolated in nature from the road and public rights of way, with the only opportunity to gain views into the site achievable from the public right of way which is in an elevated position to the east of the application site. However, these views are so distant, and any views would not be into any private amenity areas of the proposed dwelling, as such Officers are satisfied that the impact on future residents would be acceptable.

Highway Safety Considerations

- 7.32 The proposed development would see the formation of a new dwelling, with guest accommodation. A single point of access is proposed from Hockley Lane utilising the existing access into the site which historically served the former quarry. The proposed access would include gates set back from the road and a driveway leads into the site to a parking area.
- 7.33 Site access visibility splay drawings have been provided illustrating an 80m visibility splay in both directions along Hockley Lane which is subject to the national speed limit.
- 7.34 The Highways Authority (HA) have been consulted and note that Hockley Lane is subject to the national speed limit. The HA consider that the width of the access is acceptable to serve the proposed dwelling. The HA consider that there is sufficient visibility from the proposed access. The HA are also satisfied that the site can accommodate a fire tender and there is sufficient parking and turning proposed. As such, subject to conditions relating to the provision of visibility splays in line with the approved plans, a construction management plan being agreed and the first 5m of the access being constructed of a solid bound material the HA have no objection to the proposal.
- 7.35 Overall, Officers conclude that the proposed development would not lead to an unacceptable impact on highway safety and the residual cumulative impact on the wider road network would not be severe.

Drainage Considerations

- 7.36 The site falls in Flood Zone 1 with the lowest probability of flooding. Part of the application site is identified as being at low risk of surface water flooding.
- 7.37 The application documents confirm that foul water will connect to the mains drains on Hockley Lane. Surface water will be fed into a new pond and in turn into the existing quarry lagoon. The proposed plans include brown roofs and rainwater harvesting via rainwater tank.

- 7.38 Severn Trent Water have raised no objection to the proposal.
- 7.39 The Councils Drainage Engineer raised no comments to the proposal.
- 7.40 LLFA raised no objection to the proposal, subject to a standard surface water drainage condition being included in any decision.
- 7.41 Officers conclude that the proposed development would not lead to a net increase in surface water run off for the lifetime of the development and surface water managed at source on site avoiding disposal to the sewer network. As such, the proposal would accord with Local Plan policy SDC11.

Land Contamination/Land Stability Considerations

- 7.42 The application site is a former quarry and not within a Development High Risk area.
- 7.43 A Geophysical Report and Electromagnetic Survey prepared by Geosciences dated November 2022 and December 2022 respectively have been submitted. Read together the reports survey the existing below ground site conditions. Below ground obstructions are noted and further investigation works will be required to inform the build.
- 7.44 The Council's Environmental Health Officer (EHO) raised no objection subject to conditions relating the submission of land contamination reports and any necessary remediation requirements.
- 7.45 The County Council Minerals Team raised no comments to the proposal and there was no requirement to consult the Coal Authority.
- 7.46 Officers conclude that, subject to conditions, there are no technical reasons relating to land contamination or land stability that would preclude development.

Other Considerations

- 7.47 A Sustainability Statement prepared by Ecospheric, dated March 2024, has been submitted to accompany the planning application. The report outlines that the proposed dwelling would achieve a Passivhaus Plus standard. It would deliver 'true' zero operational carbon project making it one of the most sustainable low carbon buildings in the country. Heat Pump technology and water recovery is proposed. The report concludes that the proposed development would stand as an exemplar of how built environments can harmonise with nature while significantly reducing their carbon impact. Through the integration of cutting-edge technologies and methodologies, this project is set to transcend conventional building standards, offering a blueprint for low-carbon living that is both innovative and achievable.

- 7.48 Residents have raised concern to the potential use of the dwelling and the associated guest annexes as a commercial venture. The applicant has confirmed that the proposal included two, one-bedroom annexes which include a bedroom, kitchen, living space and bathroom. It is the applicant's intention to allow occasional use of these annexes for family and visitors who have an interest in the geological and architectural merits of the site. Whilst Officers note the concerns of nearby residents, it is not considered that the use of these two annexes would be harmful to the amenity of the site and the surrounding area, and in particular the residents near to the application site due to the nature of the proposed development and separation distances provided. The proposed annexes can be controlled by way of condition to prevent them from being sold off.
- 7.49 It is noted by Officers that the proposed dwelling would be a 'self build' dwelling, and accordingly this matter should be controlled by way of unilateral undertaking agreement which is a legal agreement to control the self/custom build use.
- 7.50 If members are minded to grant permission, the LPA is required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, the Authority has taken account of Natural England's (NE) advice. NE should be allowed a period of 21 days to comment prior to any work commencing on site. As such, a decision cannot be issued until the 21 day consultation period with NE has concluded.

8.0 Summary and Conclusion

- 8.1 The Local Plan and Ashover Neighborhood Plan do not support isolated dwellings in the countryside, but the NPPF at paragraph 84 supports such development if it meets the listed provisos. In this instance, the proposed dwelling is considered to be isolated in planning terms.
- 8.2 Further to the above, Officers consider that the overall design of the scheme, supported by an independent design review, would represent exceptional design that is truly outstanding and be sensitive to the defining characteristics of the former quarry setting and the local area which is a primary AMES.
- 8.3 The proposed development would in officer opinion, protect and enhance the natural environment, including the SSSI status of the site, increasing the quantity and quality of biodiversity and geodiversity on site. Furthermore, the proposal will protect and enhance on site tree planting for their wildlife, landscape and amenity value.
- 8.4 Officers conclude that the proposed development would provide a family home with 2x1 bed annexes which would be used by paying visitors and family. Officers conclude that the proposed development would not have an undue impact on existing and future residents.

- 8.5 In highway safety terms, no objection has been received from the County Council's Highways Authority and, subject to conditions, it is Officers view that the proposed development would not lead to an unacceptable impact on highway safety and the residual cumulative impact on the wider road network would not be severe.
- 8.6 Technical matters relating to land contamination, sustainability measures, drainage and ecology can be addressed by way of conditions.
- 8.7 A Unilateral Undertaking would control the use of the dwelling as a self/custom build dwelling ensuring it is not sold off in the first 3 years. It would also add a single dwelling to the self/custom build supply.
- 8.8 In view of the above, Officers are of the view that the proposed development should be recommended for approval, subject to the completion of a Unilateral Undertaking and conditions listed below.

9.0 Recommendation

- 9.1 That planning permission is **CONDITIONALLY APPROVED** subject to the following conditions, and the **prior agreement of a Unilateral Undertaking** covering the self-build requirements and the occupation of the annexes, with the final wording delegated to the Planning Manager (Development Management):-

Conditions

General Conditions

- 1) The development hereby permitted shall be started within 3 years from the date of this permission.

[Reason: To comply with the provision of Section 91 (as amended) of the Town and Country Planning Act 1990.]

- 2) The development hereby approved shall be carried out in accordance with the following submitted plans;

- 08752-FPCR-XX-XX-DR-A-0001 P03 (Location Plan)
- 08752-FPCR-XX-XX-DR-A-0002 P06 (Proposed Ground Floor Plan)
- 08752-FPCR-XX-XX-DR-A-0003 P04 (Proposed First Floor Plan)
- 08752-FPCR-XX-XX-DR-A-0004 P04 (Proposed Roof Plan)
- 08752-FPCR-XX-XX-DR-A-0005 P05 (Site Section Elevation AA & BB)
- 08752-FPCR-XX-XX-DR-A-0006 P05 (Site Section Elevation CC & DD)
- 08752-FPCR-XX-XX-DR-A-0007 P05 (Site Section Elevation EE & FF)
- 08752-FPCR-XX-XX-DR-A-0008 P03 (Site Section ZZ)
- 08752-FPCR-XX-XX-DR-A-0050 P03 (Fire Strategy – Ground Floor Plan)
- 08752-FPCR-XX-XX-DR-A-0051 P03 (Fire Strategy – First Floor Plan)

- 8752-L-01 REV C (Landscape Plan – Brown Roof)
- 8752-L-02 REV C (Landscape Plan – Roof Garden)
- 8752-L-03 REV C (Landscape Plan – Ground Level)

unless otherwise specifically agreed in writing by the Local Planning Authority or otherwise required by any other condition in this decision notice.

[Reason: For clarity and the avoidance of doubt.]

Limitations of Use

- 3) Notwithstanding the provisions of Part C, Class C3 “Dwelling House” to the Schedule of the Town and Country Planning (Use Classes) Order 1987, (or any Order revoking or re-enacting that Order), the guest annexes hereby approved shall be used for the purpose of self-contained educational (geological/architectural) accommodation, holiday accommodation and/or for ancillary accommodation only.

The property shall not be occupied by any persons for a total period exceeding 28 days in any calendar year and the owner shall maintain a register of occupiers for each calendar year including names, addresses and length of stay, and a copy of the register shall be kept for inspection by the Local Planning Authority.

The accommodation shall not be sold off, sub-let or used as a separate unit of accommodation.

[Reason: The creation of an independent unit of accommodation in this location is contrary to the provisions of the Development Plan and would lead to unacceptable impacts on neighbouring properties.]

Construction

- 4) Notwithstanding the submitted details, before above groundwork commences precise specifications (including the manufacturer, range and colour details where applicable) or samples of the walling and roofing materials to be used, shall be made available on site for inspection, and subsequent written approval, by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

[Reason: In the interest of the character and appearance of the site and the surrounding countryside setting.]

- 5) Notwithstanding the submitted details, before development commences details of the existing ground levels, proposed finished floor levels of the dwelling and associated structures, and the proposed finished ground levels of the site, relative to a datum point which is to remain undisturbed during the development, 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 and the levels shall be retained as such thereafter.

[Reason: In the interest of the character and appearance of the site and the surrounding countryside setting.]

- 6) The proposed dwelling hereby approved shall be constructed to a Passivhaus Plus standard, all in accordance with the approved Design and Access Statement and Ecospheric Sustainability Report. Prior to the occupation of the dwelling a Passivhaus Plus certification, prepared by a suitably qualified professional, shall be submitted to the Local Planning Authority.

[Reason: In the interest of exceptional design that is truly outstanding, reflecting the highest standards in architecture helping to raise standards of design in North East Derbyshire and to ensure the proposal would significantly enhance its immediate former quarry setting, and be sensitive to the defining characteristics of the local area. All in accordance with Para 84 of the NPPF.]

- 7) Notwithstanding the submitted details, before above groundwork commences, a plan to show the positions, design, materials, height and type of boundary treatment to be erected, along with a timetable for its implementation, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be completed as agreed and then retained as such thereafter.

[Reason: In the interest of the character and appearance of the site and the surrounding countryside setting.]

Landscaping

- 8) Notwithstanding the submitted details, before above groundwork commences, 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

[Reason: In the interest of the character and appearance of the site and the surrounding countryside setting.]

- 9) 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.

[Reason: In the interest of the character and appearance of the site and the surrounding countryside setting.]

Sustainability

- 10) Notwithstanding the submitted details, before above groundwork commences, a scheme for mitigating climate change through sustainable design, including (but not limited to) the provision of sources of renewable energy, EV charging points, etc. including a timetable for its implementation, shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter the approved climate change scheme shall be implemented in full as agreed and be retained as such thereafter.

[Reason: In the interest of delivering sustainable development and to ensure a high standard of design is achieved in line with Passivhaus requirements.]

Highways

- 11) The Development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on Proposed Ground Floor Plan drawing no. 08752-FPCR-XX-XX-DR-A-0002 Revision P06

[Reason: In the interests of highway safety.]

- 12) The 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;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

[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.]

- 13) 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 2.4m back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 80m in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 1.0m 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 interest of highway safety.]

- 14) The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5m behind the highway boundary and, once provided, shall be so maintained in perpetuity.

[Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (2023)]

Land Contamination

- 15) Prior to development commencing a Phase I contaminated land assessment (desk-study) shall be undertaken and approved in writing by the local planning authority.
- b. The contaminated land assessment shall include a desk-study with details of the history of the site use including:
- the likely presence of potentially hazardous materials and substances,
 - their likely nature, extent and scale,
 - whether or not they originated from the site,
 - a conceptual model of pollutant-receptor linkages,
 - 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,
 - 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.

[Reason: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.]

16) 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 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 Division) prior to commencing works in connection with the remediation scheme.

[Reason: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.]

17) The dwelling hereby approved shall not be occupied until:

a. The approved remediation works required by condition (15)2 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 (15)1b to (16)2 above and satisfy condition (16)3a above.

c. Upon completion of the remediation works required by condition (15)2 and (16)3a 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.

[Reason: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.]

Natural England

18) Prior to the occupation of the dwelling hereby approved, the details of interpretation/information boards shall be submitted to and approved by the Local Planning Authority. The details to be submitted shall include the overall design, number, position and timetable for implementation of the boards. The approved boards shall then be implemented in full in accordance with the approved timetable and retained for the lifetime of the development.

[Reason: In order to mitigate the impacts of the proposed development and to prevent damage or destruction to Fall Hill Quarry which is a designated SSSI.]

19) Before development commences on site, a comprehensive survey of the existing geological boulders impacted by the proposed development shall be submitted to and approved by the Local Planning Authority. The survey shall identify all key geological boulders which will be retained, removed and/or incorporated into the design process. The development shall then progress in accordance with the approved details and all boulders shall be retained in the agreed position for the lifetime of the development.

[Reason: In order to mitigate the impacts of the proposed development and to prevent damage or destruction to Fall Hill Quarry which is a designated SSSI.]

Drainage

20) Before development starts, a scheme for the provision of surface water drainage works, including details of any balancing and off-site works, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is brought into use and shall be retained as such thereafter.

[Reason: In the interests of the satisfactory drainage of the site.]

21) Before development starts, a scheme for the provision of foul drainage works shall be submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be implemented in full before the development is brought into use and shall be maintained as such thereafter.

[Reason: In the interests of the satisfactory drainage of the site.]