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Planning Support Statement (including Planning Obligations Statement)

**Detailed planning application for an 100% affordable,
70 unit residential scheme with associated works**

**Land at Oak Close, Castle Gresley, Swadlincote,
Derbyshire**

On behalf of EMH Homes

Our Reference: 19062.PSS1.AS
Planning Portal Reference: PP-08175969
Date: 11 October 2019

Tyler-Parkes Partnership

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1. Introduction

- 1.1. This Planning Support Statement has been prepared on behalf of EMH Homes (the applicant) to accompany a detailed planning application for the construction of an 100% affordable, 70 units residential scheme with associated works (the proposed development) on land adjacent to Oak Close, Castle Gresley, Swadlincote, Derbyshire (the application site).
- 1.2. The application site comprises 2.89 hectares of land.
- 1.3. The application site falls within the administrative boundaries of Derbyshire County Council (DCC), South Derbyshire District Council (SDDC) and Castle Gresley Parish Council (CGPC). The determining authority for the application is SDDC.

The Applicant

- 1.4. EMH Homes (EMH), is part of the East Midlands Homes Group who were established as the East Midlands Housing Association in 1946 and have grown to be one of the largest and most successful providers of affordable housing and housing-related support services in the East Midlands. Today EMH own circa 18,000 homes across the region, specialising in supporting rural communities and providing housing, care and support services to vulnerable persons and those in need.

Pre-application Consultation

- 1.5. Pre-application advice was sought from SDDC. A meeting was held on 14 August 2019 attended by Richard Stewart, SDDC Principal Planning Officer and Lucy Mitchell, SDDC Housing Development Officer. SDDC were supportive of the scheme and layout as proposed and provided context with regards the Council's original assessment as to the housing capacity and density, and advice with regards design, including the aspiration of a tree lined avenue on the main road and accessibility standards, the proposed mix/tenure of housing provision, national forest planting and public open space requirements and the likely planning obligations and the need for a viability statement to justify any deviation. In addition, reports with respect of ground investigation, drainage, transport, arboriculture, ecology, landscape (illustrative), coal mining and a design and access would be required.
- 1.6. Subsequent to the above, the applicant provided revised details to the case officer (Richard Stewart) in advance of submitting the planning application and specifically in relation to the drainage layout, public open space and forestry planting, providing a revised layout and site sections.
- 1.7. A further meeting was held on 7 October 2019 with Richard Ward (Derbyshire LLFA), Phil Lenton (SDDC Drainage Engineer), Jo Crawshaw (Derbyshire LLFA), Tony Sylvester (SDDC Head of Planning and Strategic Housing) and Kevin Exley (SDDC Planning Policy Officer). The meeting focused on matters relating to wider drainage issues, essentially pre-existing off-site flooding matters; it was agreed that these matters could be addressed further during the determination period. Other matters discussed included a recommendation to consult neighbours with regards the drainage

matters and the application, that 'liveability' with regards trees be addressed in the application, that whilst it is generally preferred not to have a wetted play area the Council would take a flexible approach to matters relating to on-site provision on site and the negotiation of planning obligations which could be addressed during the determination period.

- 1.8. The findings from the pre-application advice has informed the changes to the scheme layout, housing provision and are otherwise addressed in this Planning Support Statement.

Planning Application Content

- 1.9. The planning application comprises the following:

Forms:

- Planning Application Form and Certificates
- Residential / Dwelling Units – Supplementary Information Template

Drawings:

Drawings prepared by Sutton and Wilkinson Architects, comprising:

- 2494-02 Location Plan
- 2494-03A Topographical Survey
- 2494-12C Site Layout Plan
- 2494-13A POS and Forestry Planting
- 2494-14 Street Scenes
- 2494-15A Site Sections
- 2494-18 Boundary Details
- 2494-20 House Type A – 2 Bed 4 Person Plans and Elevations
- 2494-21 House Type B – 3 Bed 5 Person Plans and Elevations
- 2494-22 House Type C – 2 Bed 4 Person Plans and Elevations
- 2494-23 House Type D – 3 Bed 5 Person Plans and Elevations
- 2494-24 House Type E – 4 Bed 6 Person Plans and Elevations
- 2494-25 House Type F – 3 Bed 5 Person (split level) Plans and Elevations

- 2494-26 House Type G – 1 Bed 2 Person (flats) Plans and Elevations
- 2494-27 House Type H – 2 Bed 3 Person (Cat 2 Bungalow) Plans and Elevations
- 2494-28 House Type J – 4 Bed 7 Person (Cat 3 Bungalow) Plans and Elevations

Drawings by Keary Design Associates

- 1916-PL1-02 Landscape Masterplan

Reports:

- Planning Support Statement including Planning Obligations Statement (this document) by the Tyler Parkes Partnership Limited
- Design and Access Statement by Sutton and Wilkinson Architects
- Preliminary Ecological Appraisal by Ramm Sanderson
- Arboricultural Survey and Impact Assessment by Ramm Sanderson
- Visual Appraisal by Keary Design Associates
- Flood Risk Assessment with Drainage Strategy by JPP Consulting Limited
- Transport Statement by JPP Consulting Limited
- Framework Residential Travel Plan by JPP Consulting Limited
- Site Investigation Report, incorporating Coal Mining Report (Appendix G) by JPP Consulting Limited

The Purpose and Structure of this Planning Support Statement

- 1.10. The purpose of this Planning Support Statement is to set out the relevant matters with regards the determination of the planning application. The Planning Statement is not intended to duplicate matters referred to elsewhere (i.e. the application drawings and/or supporting statements); rather it draws together details and provides an overview of the application site, proposed development and planning matters.
- 1.11. This Planning Support Statement is structured as follows:
- **Chapter 1: Introduction (this Chapter)** – Introduces the planning application, applicant, the proposed development, application site and consultation undertaken, and sets out the documents forming the planning application.
 - **Chapter 2: Application Site and Surrounding Context** – Provides a description of the application site, relevant planning history and the surrounding context.

- **Chapter 3: The Proposed Development** – Provides a summary of proposed development as supported by the planning application drawings.
- **Chapter 4: Planning Policy Context** – Provides a summary of the key relevant planning legislation, policy and guidance at a national and local level comprising the Development Plan and other material planning considerations.
- **Chapter 5: Planning Considerations** – Appraises the proposed development in the context of the Development Plan and other material planning considerations.
- **Chapter 6: Planning Obligations Statement** – Sets out any requirements under the adopted Community Infrastructure Levy and/or any heads of terms in respect of S106 obligations, where necessary, or confirms not required.
- **Chapter 7: Summary and Conclusions** – provides a summary of the key findings from this Planning Statement.

2. The Application Site and Surrounding Context

The Application Site

- 2.1. The application site is situated to the south of Castle Gresley, Derbyshire, on land situated to the west of properties on Mount Pleasant Road, to the south of Oak Close and north of Fields Lane (see **drawing 2494-02**). The site location is at: Easting: 428599 Northing 317154.
- 2.2. The application site comprises circa 2.89 hectares of agricultural land comprising a single field (which opens out into a larger agricultural field to the west outside the application site), with areas of uncultivated scrub/grassland and woodland copse, and field access track. There are two Tree Preservation Orders (TPOs) affecting the site: TPO 491 comprises three separate trees located along the site's boundary; and TPO 491 which comprises individual trees and a group located to the south. There is an open field drain which courses just inside the south-western boundary towards a pond located in adjacent land to the north-west. The agricultural land is classified as Grade 3 (good to moderate quality) agricultural land¹ according to the DEFRA Agricultural Land Classification. Below ground, there is an existing 225mm combined sewer pipe that runs north-south within the western boundary.
- 2.3. The application site is bounded to the east by a combination of fencing and hedgerow with trees to the rear gardens of residential properties on Mount Pleasant Road, to the south by hedgerow/trees to fields, to the west is undefined and in part open to adjacent agricultural land and in part cutting through a woodland copse and field access track, and to the north is also undefined passing through woodland copse and the side boundary fencing of residential properties on Oak Close.
- 2.4. The topography of the site is gradually sloping from circa 115m above Ordnance Datum (aOD) in the south-east corner down to circa 95m aOD in the north-west corner.
- 2.5. There are two vehicular accesses, both from Oak Close to the north of the site; these were formed during the relatively recent construction of Oak Close residential development; both form a turning head and capable of modification to accommodate the future development of the application site.
- 2.6. The application site is not located within an area liable to the risk of flooding² nor is the application site or immediately surrounding area subject to any statutory environmental (heritage, nature conservation or landscape) designations³. The application site falls within the National Forest.

Surrounding Context

- 2.7. More widely, the Castle Gresley motte and bailey castle scheduled monument (SM) is located circa 840m to the north of the application site, albeit separated by urban

¹ Magic website, <https://magic.defra.gov.uk> and (searched 28/08/2019)

² Flood Map for Planning, <https://flood-map-for-planning.service.gov.uk> (searched 28/08/2019)

³ Magic website, <https://magic.defra.gov.uk> and (searched 28/08/2019)

development, roads and rail infrastructure. There are two local nature reserves (LNR) in proximity to the application site: Badgers Hollow Coton Park LNR circa 1.5km to the north and Moira Junction LNR circa 2km to the south-east; neither LNR is statutorily designated as a nature conservation site and both LNRs are separated from the application site by a combination of urban development, highways and woodland etc.

- 2.8. The application site is set within a semi-urban area, with built development immediately to the north, east and south, and agricultural and open land to the west and also beyond the built development to the east and south.
- 2.9. More specifically, to the north-west is the relatively recently constructed Oak Close residential development, which form the urban area of Mount Pleasant and High Cross Bank beyond and provide local amenities, including chemist, post office and local shops located on the Linton Road shopping parade circa 600m to the north. The centre of Castle Gresley is situated to the north of this area and provides further facilities and amenities including health centre and local shops (at Gresleydale) and notable employment opportunities. Castle Gresley extends seamlessly north-east into the Church Gresley and Swadlincote, that provide the full range of town centre facilities and amenities including schools, health centres, religious (various), sports centres / grounds, shopping / supermarkets and employment opportunities.
- 2.10. Immediately to the east are residential properties that form ribbon development along Mount Pleasant Road and that wrap around the application site along Fields Lane to the south, albeit these are separated by a small-scale fields / paddocks, with a garage, learning centre, public house (The Mount Pleasant Inn) and caravan sales in this locality. This ribbon development extends south and along the A444 High Cross Road (which forms a by-pass to Mount Pleasant) to the junction with Linton Heath/Park Road and beyond; along Linton Heath (west of the junction) is further residential development and the Community Centre.
- 2.11. To the west of the application site are large agricultural fields beyond which are isolated properties (including Greenfields and The Shortwood) and Waterfalls Farm, a large area of woodland (Foxley Wood) and the village of Linton which also has local amenities including post office and school and can be reached via a network of public rights of way in the area.
- 2.12. The nearest accessible bus stop is located at the Linton Road shopping parade to the north, circa 645m (westbound) and circa 485m (eastbound). The nearest rail station is located at Burton-on-Trent, circa 8.6km.
- 2.13. The adopted Local Plan Policies Map identifies the site as allocated for housing development (parcel reference H23J) and within the Castle Gresley (Mount Pleasant) Settlement Boundary which is a 'Local Service Village'.

Site History

- 2.14. There is no known planning history for the application site.

3. The Proposed Development

- 3.1. This detailed proposal is for the construction of 70 residential units with associated works.
- 3.2. The layout, design and underlying design principles which informed the proposals are described in detail in the accompanying **Design & Access Statement**.
- 3.3. The layout of the proposed development is shown on **drawing 2494-12C**, and in summary comprises the construction of a vehicle access from the Oak Close in the north-west corner and residential street layout comprising three cul-de-sacs with turning heads, the construction of 70 residential units in the form of detached, semi-detached houses, semi-detached bungalows and flats, with associated off-street parking for 142 vehicles, remodelling of the land to the east and north to accommodate the new development, diversion of the existing combined sewer and field drain, flood attenuation and landscaping including natural play and national forest planting.
- 3.4. The schedule of accommodation comprises (totals in brackets):

Table 3.1 – Housing Accommodation Schedule

House Type	Nos of	Form	Beds	Persons	Parking Spaces
A	25	2-storey Semi-Detached House	2 (50)	4	2 (50)
B	2	2-storey Semi-Detached House	3 (6)	5	2 (4)
C	8	2-storey Semi-Detached House	2 (16)	4	2 (16)
D	9	2-storey Semi-Detached House	3 (27)	5	2 (18)
E	4	2-storey Semi-Detached House	4 (16)	6	3 (12)
F	10	2-storey Semi-Detached House (split level)	3 (30)	5	2 (20)
H	8	2-storey Flats	1 (8)	2	Parking court – (12 total)
I	2	Semi-Detached Bungalow	2 (4)	3	2 (4)
J	2	Semi-Detached Bungalow (Cat 3)	3 (6)	5	2 plus car port (6)
Total	70		163		142

- 3.5. All dwellings would be constructed to current Building Regulations standards. 2 No bungalows (Plots 21 and 22) would be constructed to Part M4(3) wheelchair standards and all other plots constructed to Part M4(2) accessible and adaptable dwelling standard.
- 3.6. The floor plans and elevations of individual properties are shown on **drawings 2494-20 to 28**.
- 3.7. Residential properties would be constructed using a combination of brick and render with tiled roof. Driveways to individual properties and the parking court to flats would be surfaced in permeable block paving (brindle with charcoal demarcation lines).

- 3.8. Each dwelling would benefit from private front and rear gardens space (sizes vary according to house type and location).
- 3.9. All vehicle parking is off-road and in plot-designated bays suitable for future occupiers to utilise electric vehicle charging by virtue of their proximity to residential dwelling.
- 3.10. Provision has been made for refuse and cycle storage for house type G (flats); all other plots would utilise storage in rear gardens with each plot having a rear pedestrian access to enable bins to be brought to the front for collection.
- 3.11. The main residential streets would comprise 4.8m to 5.5m wide tarmac surfaced carriageway, with 2m wide tarmac surfaced footways on both sides; designed to adoptable highway standards.
- 3.12. The surface water drainage has been designed to accommodate a 1 in a 100-year storm taking into account the predicted future effects of climate change with discharge rates restricted to the greenfield equivalent. The strategy involves a piped network draining to an on-site attenuation basin, prior to discharge into an existing drain, as well as tanked permeable paving to private drives (see **Flood Risk Assessment with Drainage Strategy**).
- 3.13. Foul water would discharge into an existing mains connection (see **Flood Risk Assessment with Drainage Strategy**).
- 3.14. The remodelling of the land would involve cut-and-fill with the revised landform using site-won materials (see **drawings 2494-12C and 15A**) and is necessary to provide a development platform throughout the site.
- 3.15. Services diversions would involve the redirection of the existing surface water drain and foul sewer.
- 3.16. The public open space (POS) incorporates a natural play Local Equipped Area of Play (LEAP) set within the contoured landscape with amenity grass and native and natural shrub and tree planting, providing an area of 4,164m².
- 3.17. Elsewhere across the site the landscaping comprises woodland planting in accordance with National Forest palette (circa 4,833m²), natural wildflower and bee meadows, watercourse and (incorporated into the flood attenuation basin) with marginal and ornamental planting and amenity grassland, and incorporates ecological mitigation and enhancement areas where appropriate (see **drawing 1916-PL1-02**).

Housing Tenure

- 3.18. The proposed development would comprise 100% affordable housing.
- 3.19. The proposed housing tenure has been agreed with the Housing Development Department, as set out in **Table 3.2** below.

Table 3.2 – Housing Tenure

Unit Type	Unit Floor area	Total Units	Affordable Rent		Shared Ownership	
			No of units	Floor Area	No of units	Floor Area
2B4PH (Type A) Semi	71.7	25	21	1505.7	4	286.8
3B5PH (Type B) Semi	88	2	2	176	0	0
2B4PH (Type C) Semi	70	8	0	0	8	560
3B5PH (Type D) Corner	85	9	5	425	4	340
4B6PH (Type E) Semi	103	4	4	412	0	0
3B5PH (Type F) Split	95	10	0	0	10	950
1B2PF (Type G) Semi	45.8	8	8	366.4	0	0
2B3PB (Type H) Semi	62.5	2	2	125	0	0
4B7PB (Type J) Semi	137.4	2	2	274.8	0	0
Total		70	44	3284.9	26	2136.8

4. Planning Policy Context

Planning Framework

- 4.1. Planning applications under the Town and Country Planning Act 1990 (as amended) states that *“In dealing with such an application [i.e. an application made to a local planning authority for planning permission] the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations”*. In revising the definition of the ‘Development Plan’, Section 38(6) of the Planning and Compulsory Purchase Act 2004, states that *“If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the development plan unless material considerations indicate otherwise.”*
- 4.2. Accordingly, every planning application should be determined on their own merits and in accordance with the adopted development plan unless there are material considerations which indicate otherwise.
- 4.3. The relevant adopted development plan comprises:
- South Derbyshire Adopted Local Plan Part 1, adopted 13 June 2016
 - South Derbyshire Adopted Local Plan Part 2, adopted 2 November 2017
- 4.4. Relevant material planning considerations may comprise:
- National Planning Policy Framework, adopted 17 February 2019
 - National Planning Practice Guidance, dynamically updated
 - SDDC South Derbyshire Housing Position Paper
 - SDDC Affordable Housing SPD, November 2017
 - SDDC S106 Agreements, A Guide for Developers, April 2010
 - SDDC South Derbyshire Design Guide SPD, November 2017
 - SDDC Trees and Development SPD, May 2004
 - SDDC Planning and Lighting Design Guidance, April 2017
- 4.5. There is no Neighbourhood Plan for the application site area.

National Planning Policy Framework (NPPF)

- 4.6. The NPPF was published in February 2019 and sets out the Governments planning policies and how they are expected to be applied. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development, defined by three overarching objectives, summarised as:
- an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity, and the provision of infrastructure.
 - a social objective – to support strong, vibrant and healthy communities, by ensuring

that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment with accessible services and open spaces reflecting current and future needs and support communities' health, social and cultural well-being.

- an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping improve biodiversity, using natural resources prudently, minimising waste and pollution, mitigating and adapting to climate change.

4.7. These overarching objectives are interdependent and need to be pursued in mutually supportive ways.

4.8. In the determination of planning applications, LPAs are guided to apply a presumption in favour of sustainable development, which means:

“... c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole” (paragraph 11).”

Relevant Notes:

6 – refers to policies of the NPPF and states specific themes

7 – confirms that this includes (as relevant to the provision of housing) situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites with appropriate buffer or where the Housing Delivery Test indicates housing falls ‘substantially below’ the housing requirement.

4.9. The NPPF (paragraph 38) states that decision-makers at every level should seek to approve applications for sustainable development where possible, and furthermore (paragraph 47) adds that decisions on planning applications should be made as quickly as possible and within statutory timescales unless a longer period has been agreed by the applicant in writing.

4.10. **Chapter 5 Delivering a sufficient supply of homes** - seeks to support the Government’s objective to significantly boost the supply of homes, noting that it is important that a sufficient amount and variety of land can come forward where needed and that groups with specific needs are addressed (paragraph 59).

4.11. In respect to affordable housing, the NPPF notes that where a need has been identified, the type of affordable housing should be specified with an expectation that this need will be met on-site unless a) off-site provision or an appropriate financial contribution in lieu of provision can be robustly justified and b) the agreed approach contributes to the objective of creating mixed and balanced communities (paragraph 62).

- 4.12. The NPPF (paragraph 64) states an expectation that on major housing schemes at least 10% of the homes should be made available for affordable home ownership (as part of the overall affordable housing contribution), unless this exceeds the overall affordable housing need or would prejudice the ability of affordable housing for specific groups.
- 4.13. LPAs are required to maintain a supply of specific deliverable housing sites for years 1-5 of the plan period and specific developable sites/broad locations for growth for years 6-10 and where possible 11-15. The NPPF (paragraph 68) notes that small and medium sites can make an important contribution to meeting the housing requirement of an area, noting that these can often be built out relatively quickly.
- 4.14. **Chapter 8 Promoting Healthy and Safe Communities** – seeks to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible and enable and support healthy lifestyles (paragraph 91). The NPPF also identifies the importance of high-quality open spaces and opportunities for sport and leisure to health and well-being (paragraph 96).
- 4.15. **Chapter 9 Promoting Sustainable Transport** – seeks to manage patterns of growth to support the objectives of addressing the impacts of a development on transport networks, to realise opportunities for transport infrastructure including changes in transport technology, to pursue opportunities to promote walking, cycling and public transport, to address the environmental impacts of traffic and transport infrastructure and to ensure access is integral to the design of schemes and contribute to delivering high quality spaces (paragraphs 102/103). Accordingly, in the determination of planning applications LPA are required to ensure that there are appropriate opportunities to promote sustainable transport modes, that there is safe and suitable access, and that any significant impacts of the development on the transport network or highway safety can be mitigated to an acceptable level (paragraph 108); development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe (paragraph 109).
- 4.16. The NPPF sets priorities comprising: a) priority to be given to pedestrian and cycle movements; b) specific needs of people with disabilities and reduced mobility should be addressed; c) spaces should be safe, secure and attractive and avoid conflicts with user groups, avoid unnecessary street clutter and respond to local character and design standards; d) allow for the delivery of goods and access by service and emergency vehicles; and e) be designed to enable the charging of plug-in and other ultra-low emissions vehicles in safe, accessible and convenient locations (paragraph 110).
- 4.17. Developments that will generate significant amounts of movement should provide a Travel Plan (paragraph 111).
- 4.18. **Chapter 11 Making effective use of land** – seeks to promote the effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions (paragraph 117). More specifically, the NPPF (paragraph 118) requires that, inter-alia, planning decisions promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

- 4.19. In respect of achieving appropriate densities, the NPPF (paragraph 122) directs LPAs to support development that makes efficient use of land taking into account, inter-alia, the identified need for different types of housing and the availability of land suitable for accommodating it, local market conditions and viability, the availability and capacity of infrastructure and services and scope to promote sustainable travel modes, the desirability of maintaining an area's prevailing character and setting, as well as securing well-designed, attractive and healthy places. Furthermore, it is especially noted that developments should make optimal use of the potential of each site (paragraph 123).
- 4.20. **Chapter 12 Achieving Well-Designed Places** – seeks to ensure the creation of high-quality buildings and places, noted as a key aspect of sustainable development and also encourages effective engagement with between applicants, communities and local authorities (paragraph 124). The NPPF (paragraph 127) directs LPAs to ensure that developments: a) function well and add to the overall quality of the area; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place using the arrangement of spaces, building types and materials; e) optimising the potential of a site to accommodate and sustain an appropriate amount and mix of development and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being including through designing out crime and the fear of crime and ensuring that community cohesion and resilience is not undermined.
- 4.21. **Chapter 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change** – seeks to address a range of issues through taking a proactive approach, avoiding increased vulnerability to the range of impacts arising from climate change and helping to reduce greenhouse gas emissions such as through location, orientation and design and reflecting the Government's policy for national technical standards for building sustainability (paragraph 150).
- 4.22. In respect of flood risk, development should be located away from areas at risk of flooding, applying a sequential/risk-based approach and, where necessary, the prescribed exception test, albeit this is not applicable to some minor development and changes of use (paragraph 164). New development should ensure that flood risk is not increased elsewhere and where necessary, applications should be accompanied by a site-specific flood risk assessment (i.e. on sites within Flood Zones 2 & 3, or in Flood Zone 1 where greater than 1 hectare) (paragraph 163).
- 4.23. **Chapter 15 Conserving and Enhancing the Natural Environment** – seeks to address a range of aspects including: a) protecting and enhancing valued landscapes, site of biodiversity or geological value and soils in a manner commensurate with their statutory status or identified quality in the development plan; b) recognising the intrinsic character and beauty of the countryside including the economic and other benefits of best and most versatile land, trees and woodland; d) minimising the impacts on and providing net gains for biodiversity; e) preventing new and existing development from contributing to, or being put at unacceptable risk from, soil, air, water or noise pollution or land instability; and f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate (paragraph 170). Protection is afforded commensurate with the hierarchy of designation and in respect of non-

designated habitats and biodiversity, the NPPF, seeks to avoid significant harm to biodiversity (paragraph 175).

- 4.24. In respect of habitats and biodiversity, protection is afforded commensurate with the hierarchy of designation and in respect of non-designated habitats and biodiversity, the NPPF seeks to avoid significant harm to biodiversity and the loss/deterioration of irreplaceable habitats such as ancient woodland, ancient or veteran trees (paragraph 175).

National Planning Practice Guidance

- 4.25. The National Planning Practice Guidance (NPPG) was first published in March 2014 and is dynamically updated on a paragraph-by-paragraph basis. The NPPG provides additional guidance and interpretation to the policies of the NPPF and is therefore not replicated here.

South Derbyshire Adopted Local Plan Part 1 (LPP1)

- 4.26. The South Derbyshire Adopted Local Plan Part 1 was adopted 13 June 2016 and provides the strategic policies for the District for the period 2011 to 2028. The Local Plan Policies Map identifies the site as falling within the settlement boundary (Policy SDT1). Relevant policies are identified below: -
- 4.27. **Policy S1 Sustainable Growth Strategy** – sets out the Council’s ambition to promote sustainable growth to meets its objectively assessed housing and commercial needs for the plan period. The housing target for the period 2011 to 2028 is stated as at least 12,618 dwellings to be delivered on a both brown and greenfield sites. It is also noted that infrastructure will be provided to support growth, to be delivered through appropriate planning obligations and working alongside key stakeholders. The National Forest objectives to increase woodland cover will be supported, as will the encouragement of healthy lifestyles through leisure, open space and accessibility; the District’s heritage assets, landscape and rural character is to be protected, conserved and enhanced. Schemes for development are required to respond to and address environmental and social issues, including tackling climate change, improving the quality of the built and natural environment, minimise resource use and improve access to services and facilities.
- 4.28. **Policy S2 Presumption in Favour of Sustainable Development** – states that the Council will take a positive approach that reflects the presumption in favour of sustainable development and, in accord with the NPPF, sets out the approach to determining planning applications.
- 4.29. **Policy S3 Environmental Performance** – seeks to support developers bringing forward sustainable homes and the Government’s drive towards improved housing standards and states that the Council will work collaboratively to bring forward their own environmental or social sustainability standards.
- 4.30. **Policy S4 Housing Strategy** – sets out the Council’s target for at least 12,618 additional dwellings over the plan period, and that these would be delivered through the Local Plan Part 1 in respect of allocated strategic sites (greater than 99 dwellings)

and allocations made in accord with the strategy of Urban Areas (Swadlincote, edge of Derby and edge of Burton upon Trent) and Key Service Villages strategic sites (Ashton on Trent, Etwall, Hatton, Hilton and Repton), with 600 dwellings to be allocated as non-strategic sites (less than 100 dwellings) in the Local Plan Part 2. The Council will maintain a five-year rolling land supply of specific deliverable sites with additional buffers in accordance with the NPPF.

- 4.31. **Policy S6 Sustainable Access** – seeks to minimise travel, make efficient use of transport infrastructure and services, encourage a modal shift from the private car and road-based freight toward walking, cycling and public transport and rail freight; and support transport measures that address accessibility, safety, amenity, health, social, environmental and economic needs, both current and forecast. This is to be achieved by seeking patterns of development that enable travel distances to be minimised and make best use of existing transport infrastructure and services, the provision of new/enhanced walking, cycling, public transport and rail freight and infrastructure where this cannot be met, and the use of promotional measures and improved communication to encourage sustainable travel.
- 4.32. **Policy H1 Settlement Hierarchy** – sets out the approach for the distribution of development, stating that the scale of development will be appropriate to the size and role of each settlement. The application site falls within ‘Mount Pleasant’, a Local Service Village; development of sites within the settlement will be considered appropriate and sites adjacent to settlement boundaries as an exceptions or cross subsidy site as long as not greater than 15 dwellings.
- 4.33. **Policy H20 Housing Balance** – seeks to deliver a mix of housing type, tenure, size and density taking into account the Strategic Housing Market Assessment (SHMA) and Local Needs Study, and promote housing that is suitable for different groups of people such as single occupiers, people with disabilities, self-build and the aging population. Policy H20 states there is no prescribed housing density for the District but that any housing development is expected to make the most efficient use of land whilst taking into account the surrounding local built and natural environment. In achieving an appropriate mix of housing, the viability of the development will be considered material.
- 4.34. **Policy H21 Affordable Housing** – sets the Council’s target to secure up to 30% affordable housing (as defined in the NPPF) on sites of over 15 dwellings, with consideration given to the local housing market, viability of the scheme, the tenure mix and dwelling type as based on the SHMA or other up to date housing evidence and phases of development being proposed. Part C of the policy relate to rural exception sites in accordance with Policy H1 and their being retained as affordable housing for local people in perpetuity.
- 4.35. **Policy SD1 Amenity and Environmental Quality** – states that the Council will support development that does not lead to adverse impacts on the environment or amenity of existing and future occupiers within/around a proposed development. The Council will take into account a range of factors including: the potential to affect surface and ground water and the potential to affect the deliver water quality standards set out in the Water Framework Directive (WFD) or Habitats Directive (HD); the potential to affect designated Air Quality Management Areas (AQMA); the need for a strategic buffer between conflicting land uses so as not to affect amenity (odours, fumes, dust, noise, vibration, light or shadow flicker).

- 4.36. **Policy SD2 Flood Risk** – sets out the Council’s approach to flood risk management, adopting the sequential approach with priority given to sites with lowest risk of flooding, and conditions under which other sites would be considered. Policy SD2 also requires measures to minimise the risk of surface water flooding and for developments affecting surface water flows to incorporate sustainable urban drainage systems (SUDS) that mimic natural flows unless not technically feasible. Other provisions include, the returning culverted watercourses to a natural state and contributing to the enhancement of watercourses in accordance with the WFD. Policy SD2 also supports measures for flood management subject to their being no other adverse effects on local amenity and/or flood risk elsewhere.
- 4.37. **Policy SD3 Sustainable Water Supply, Drainage and Sewerage Infrastructure** – seeks the coordinated management of water resources, wastewater treatment and drainage infrastructure including ensuring adequate infrastructure to meet identified growth, seeking to reduce water consumption to no more than 110 litres / person / day, seeking to ensure the incorporation of SUDS into developments, and reducing phosphate levels in the River Mease catchment. Foul flows are expected to connect to mains sewers unless not technically feasible. Surface waters are expected to be managed by SUDS, discharge to watercourse or connection to surface water mains sewers unless not technical feasible.
- 4.38. **Policy SD4 Contaminated Land and Mining Legacy** – Part A of Policy SD4 seeks to ensure matters related to unstable, contaminated or potentially contaminated land are appropriately addressed through investigation and where necessary remediation. Part B seeks to bring forward the regeneration of derelict, unstable or contaminated sites and investigate options for the sustainable management of rising mine water levels within the South Derbyshire Coalfield.
- 4.39. **Policy BNE1 Design Excellence** – requires that all new development be well designed, embrace principles of sustainable development, encourage healthy lifestyles and enhance people’s quality of life by adhering to the stated design principles, relating to: a) community safety; b) street design, movement and legibility; c) diversity and community cohesion; d) ease of use; e) local character and pride; f) National Forest; g) visual attractiveness; h) neighbouring uses and amenity; i) cross-boundary collaboration; j) healthy lifestyles; and k) resource use. All proposals for new development will be assessed against the Council’s Design SPD and the Council will decide which proposals should be taken to a formal panel for design review.
- 4.40. **Policy BNE3 Biodiversity** – supports development that contributes to the protection, enhancement, management and restoration of biodiversity or geodiversity and delivers net gains in biodiversity, including by (inter-alia) supporting and contributing to targets set out in the Lowland Derbyshire and/or National Forest Biodiversity Action Plan (BAP) for priority habitats and species, and protecting ancient woodland and veteran trees. Proposals that could have a direct/indirect effect on sites with potential/actual ecological or geological importance, including designated sites, veteran trees and hedgerows, priority habitats and species, are required to be supported by appropriate surveys or assessments. Where mitigation measures or, exceptionally, compensation cannot sufficiently offset the significant harm and/or where development can potentially be located elsewhere that would cause less/no harm the permission will be refused.
- 4.41. **Policy BNE4 Landscape Character and Local Distinctiveness** – seeks to protect local character, distinctiveness and quality of the landscape and soilscape through

careful design and sensitive implementation. Proposals are expected to retain key valued landscape components including mature trees, established hedgerows unless the loss will not have an unacceptable effect on the local landscape character. Development that will have an unacceptable impact on landscape character (including historic character), visual amenity and sensitivity that cannot be satisfactorily mitigated will be refused. Proposals should demonstrate how they respond to the identified landscape character, with regard to woodland and tree planting, landscape management and habitat. Within the National Forest developers are expected to demonstrate that close regard has been paid to the landscape types/character of the National Forest Landscape Character Assessment both within design and incorporation of woodland planting and landscaping. The Council will seek to protect soils that are Best and Most Versatile.

- 4.42. **Policy INF1 Infrastructure and Developer Contributions** – seeks to ensure adequate infrastructure is in place or can be provided to support the development proposals and provides for developers to make provision for necessary infrastructure through S106 Planning Obligations and/or Community Infrastructure Levy (CIL), or to be provided by the developer.
- 4.43. **Policy INF2 Sustainable Transport** – supports development where traffic generated can be accommodated without undue detrimental impact on local amenity, the environment, highway safety, the efficiency of the transport infrastructure and efficiency/availability of public transport, where provision is made for safe and convenient access to/within the development for pedestrians, cyclists, public transport and private car, and the car travel generated by a development is minimised relative to the needs of the development. Specific requirements are stated in respect of Walking and Cycling, Public Transport, Road/Rail Freight and Parking. In respect of parking provision this should have regard to: the standards set out in the relevant Supplementary Planning Document (SPD); the need to ensure developments do not have an undue detrimental impact on pedestrian and cyclist movement and highway safety; the need to encourage travel by foot, cycle and public transport in preference to private car use by minimising parking provision; the need to provide sufficient convenient space for persons of impaired mobility; the conclusions of any Transport Assessment; and the need to encourage the use of low emission vehicles.
- 4.44. **Policy INF6 Community Facilities** – seeks (inter-alia) to ensure developments that increases the demand for community facilities and services either provide the required facilities or makes appropriate contributions for their provision.
- 4.45. **Policy INF7 Green Infrastructure** – seeks to conserve, enhance and wherever extend green infrastructure and specifically within (inter-alia) the National Forest area.
- 4.46. **Policy INF8 The National Forest** – seeks for residential schemes over 0.5 ha to incorporate tree planting and landscaping in accordance with the National Forest Planting Guidelines (set out in within Table 6 of the Local Plan), generally involving woodland planting but can also include other appropriate habitats, associated open space provision and new recreational facilities with woodland character; the mix depending upon the setting characteristics and the opportunities and constraints of individual sites. Only in exceptional circumstances will a commuted sum be agreed where planting/landscaping cannot be accommodated within/close to the development site. New development is required to ensure it is of appropriate siting and scale to its setting within the Forest and respects the character and appearance of the wider

countryside.

- 4.47. **Policy INF9 Open Space, Sport and Recreation** – notes that current provision of open space and recreation facilities within the District is not sufficient to meet local need such that the Council will work with partners to provide facilities to meet the needs of new residential development and where possible the needs of the existing population. Opportunities for new/enhanced facilities will be sought where there are quantitative or qualitative deficiencies in the up to date Open Space, Sport and Recreation Assessment. Wherever possible, the Council expects new open spaces to connect to existing Green Infrastructure to improve accessibility and enhance biodiversity.

South Derbyshire Adopted Local Plan Part 2 (LPP2)

- 4.48. The South Derbyshire Adopted Local Plan Part 2 was adopted 2 November 2017 and identifies non-strategic development sites and more detailed development management policies. Relevant policies are identified below: -
- 4.49. **Policy SDT1 Settlement Boundaries and Development** – states that development within the settlement boundaries as identified in Appendix A will be permitted where it accords with the development plan. The application site is located within the Castle Gresley (Mount Pleasant) Settlement Boundary. Castle Gresley is identified within Policy SDT1 as being a ‘Local Service Village’.
- 4.50. **Policy H23 Non-Strategic Housing Allocations** – identifies site allocated for housing development, as shown on the accompanying Policies Map. The application site is identified as Site J, Oak Close, Castle Gresley (S/0239) for “... around 55 dwellings ...”.
- 4.51. Criteria for consideration with regards each site are stated as:
- i) *transport impacts – including vehicular access points, visibility, pedestrian and cycle links and impact on the existing road network.*
 - ii) *impact on the surrounding landscape and/or townscape*
 - iii) *management of flood risk and drainage*
 - iv) *impact on designated and non-designated heritage assets and settings*
 - v) *biodiversity impacts*
 - vi) *the design and layout to take account of site characteristics”*
- 4.52. Site specific requirements for the Oak Close site comprise:
- Around 55 dwellings
 - A landscaping buffer to be implemented and enhanced on the south western area of the site
 - No built development to the south-west of the existing tree belt
 - A detailed drainage strategy will be required
 - An appropriate easement to be provided that is free of obstruction along the existing

watercourse for maintenance

- Consideration of topography and use of 1.5 storey dwellings

- 4.53. **Policy BNE7 Trees, Woodland and Hedgerows** – requires that (A) where development is proposed that could affect trees, woodland and hedgerows, which are important in terms of their amenity, ecological, landscape or historic value, developers are expected to demonstrate: i) that the layout and form has been informed by an appropriate arboricultural and/or hedgerow survey; ii) that development would not suffer undue shading; and iii) measures are secured to ensure adequate root protection and buffers around trees, woodland and hedgerows. Part (B) states that the felling of protected trees etc. would be considered in accordance with national guidance and regulations and where felled a replacement of an appropriate number, species, size and location will normally be required. Part (C) requires that proposals which will have a detrimental effect on trees etc. must satisfactorily demonstrate how the impact on biodiversity has been minimised and wherever possible a net biodiversity gain delivered through mitigation, compensation or offsetting, including improved management of retained trees etc. and management of new planting to full maturity. Part (D) states that principal consideration will be given to planting of tree species that are in keeping with the urban or rural character of the area; where appropriate, wider environmental or amenity benefits (i.e. local air quality, erosion control, land drainage or shading) should be considered.
- 4.54. **Policy BNE9 Advertisements and Visual Pollution** – requires that proposals for items that could contribute to visual pollution (i.e. street furniture, telecoms cabinets, etc.) within public realm will only be permitted where amenity and public safety matters have been addressed, including cumulative impacts such that: i) there is no adverse impact on the character or appearance of the area and its setting; ii) pedestrian and vehicle movements are not inhibited not attention distracted or obscured; iii) proposals respect their setting and surroundings in terms of size, design, illumination, materials and colour; and iv) together signs and street furniture will not result in visual clutter or excessive advertising.

South Derbyshire Housing Position Paper

- 4.55. The South Derbyshire Housing Position Paper published December 2018 sets out the Council's Five-year Housing Land Supply (5YHLS).
- 4.56. The Position Papers sets out that the South Derbyshire District forms part of the Derby Housing Market Area, alongside Derby City and Amber Valley. The adopted Local Plan target of 12,618 dwellings includes a contribution of 3,013 dwellings towards meeting some of Derby City's unmet housing need for the plan period of 2011 to 2028.
- 4.57. The current rate of housing delivery in accordance with the Government's Housing Delivery Test is 103.7%.
- 4.58. The 5-year housing supply is calculated to be 5.5years applying a 5% buffer.
- 4.59. The application site is identified as an 'allocated site without outline planning consent or application'; the required interventions are stated as *"Liaise with site promoter and any site purchaser to assist in progress pre-application work."*

SDDC Affordable Housing SPD

- 4.60. The Affordable Housing SPD was published November 2017.
- 4.61. The SPD notes that at 2012 the District's population was 94,611 and expected to increase to circa 123,000 by 2035 (a 30% increase). At the time of publication, the figures for affordable housing need within the District, identified a requirement for 1,723 dwellings across the three sub-housing market areas (1,028 within Swadlincote South) of which affordable housing completions for 2013-2015 were 176 dwellings (69 within Swadlincote South), leaving a shortfall of 1,547 dwellings (959 within Swadlincote South).
- 4.62. In terms of tenure, the SPD notes that the housing needs are best met through a balance of rented, intermediate tenure homes and starter homes and that wherever possible, the Council will seek 1-bed properties (for 2 persons); 2-bed properties (for 4 persons) and 3-bed properties (for 5 persons), and in additional 4-bed properties for larger families and bungalows for households who require accessible or adapted homes.
- 4.63. The SPD provides guidance on affordable housing quality setting out those design features that will/will not be supported.
- 4.64. The SPD also sets out mechanisms for affordable housing delivery, including negotiation of up to 30% affordable housing, Registered Provider or Council-led schemes that come forward and achieve higher levels of affordable housing on sites that would not otherwise be viable, the provision of affordable housing on rural exception sites to meet local need and acquisition by the Council of new build homes.
- 4.65. Delivery expectations include, inter-alia:
- Design, with housing built to high standard of design and amenity, with each dwelling having its own front door leading directly outdoors, well-designed and preferably conform to the minimum space standards set out in Annex 2, and in accord with the Design Guide SPD.
 - Layout Plans, for full applications to include the type, tenure and location of affordable housing, with details of gross internal floor area and number of bedrooms.
 - Property Type, with regard to the SHMA and local housing needs evidence including need identified within the District's housing waiting list, stating individual house size and details. It is noted that the District has an increasing older population, with a 96% expected increase in those over the age of 75 by 2031; where there is evidence the Council will seek a proportion of bungalows of good size suitable for wheelchair use and other adaptations.
 - Tenure, to be broadly in line with the SHMA at a sub-market level with negotiations on tenure split based on viability.

SDDC S106 Agreements, A Guide for Developers

- 4.66. The S106 Agreements A Guide for Developers Guidance was adopted in April 2010 and sets out the expected S106 contributions for new residential properties within the District and specifically with regards open space provision, outdoor and built recreation facilities, per person; health per dwelling; education in accordance with Derbyshire Local Education Area advice and, as relevant, affordable housing. The Guidance also sets out the requirements for planting in accord with National Forest Planting Guidelines and a contribution to the River Mease Improvements.

SDDC South Derbyshire Design Guide SPD

- 4.67. The Design Guide SPD was published in November 2017 and provides a reference for various design principles including community safety, street design, movement and legibility, diversity and community cohesion, ease of use, local character, pride and visual attractiveness, the National Forest, Neighbouring uses and amenity, cross-boundary collaboration, healthy lifestyles and resource use.

SDDC Trees and Development SPD

- 4.68. The Trees and Development SPD was published in May 2004 and sets out the Council's approach to managing development affecting trees, the requirements for appropriate tree surveys, guidance on incorporating trees into the proposals and the requirements for the protection of existing trees, and makes provision for Arboricultural Method Statements to be provided and implemented on schemes where additional safeguards are considered necessary.
- 4.69. In general terms, the Council will seek to protect trees from developments that directly or indirectly threaten trees or woodlands of high amenity value, ensure landscape proposals provide measures to conserve or as appropriate enhance the character of the landscape and protect 'important' hedgerows (those under the Hedgerow Regulations 1997).

SDDC Planning and Lighting Design Guidance

- 4.70. The Planning and Lighting Design Guidance was published in April 2017 and seeks to address the balance of need for lighting for safety, security, convenience and advertising with the adverse effects on visual amenity, protected species of wildlife and human populations due to light pollution. The Guidance notes that there are no local standards for light pollution and provides details on assessing the sensitivity of the receiving environment (Environmental Zone Class), how to assess the potential effects and relevant standards with reference to the Institution of Lighting Professionals (ILP) Guidance Notes for the Reduction of Obtrusive Light.

5. Planning Considerations

- 5.1. This chapter addresses the planning considerations that may be considered material to the determination of the planning application, set in the context of the statutory development plan and other material planning considerations as outlined in Chapter 4.
- 5.2. The applicant considers the relevant planning matters to be:
- The Principle of Development
 - Housing Mix and Tenure
 - Highways and Access
 - Flood Risk and Drainage
 - Contaminated Land and Mining
 - Biodiversity and Nature Conservation
 - Hedgerow, Trees and the National Forest
 - Landscape and Visual Amenity
 - Residential Amenity
 - Design and Layout
 - The Principle of Sustainable Development and Planning Balance

The Principle of Development

- 5.3. The application site is appropriately allocated for residential development as a 'non-strategic housing site' within the adopted LPP2 Policy H23, and therefore the principle of residential development is established.
- 5.4. The relevant generic policy criteria in relation to site-related transport impacts, landscape, flood risk and drainage, biodiversity and design and layout are discussed in more detail within this appraisal and are concluded to be satisfactorily addressed.
- 5.5. The adopted LPP2 Policy H23 site-specific criteria indicates the site capacity to be “... around 55 dwellings ...” (emphasis added). Accordingly, there is flexibility to consider a greater or lower number of dwellings; the application proposes 70 residential units comprising 58 No semi-detached properties, 4 No semi-detached bungalows and 8 No flatted residential units.
- 5.6. It is noted that the adopted LPP1 Policy S1 states the Council's approach to sustainable growth as delivering “... at least 12,618 dwellings ...” (emphasis added) over the plan period from 2011 to 2028, and similarly LPP1 Policy S4 also sets the

target to deliver “... *at least 12,618 additional dwellings* [i.e. those in addition to those delivered/committed] *over the plan period*” (emphasis added), such that there is flexibility within policy to deliver increased numbers of units. This is further supported by the Government’s objectives set out within the NPPF (Chapter 5) to “... *significantly boost the supply of homes ...*” and NPPF (Chapter 11) which promotes the effective use of land in meeting the need for homes and other uses, and to “... *promote and support the development of under-utilised land and buildings, especially where this would help meet identified needs for housing ... and available sites could be used more effectively ...*”.

- 5.7. The submitted layout demonstrates that 70 residential units can be accommodated within the application site boundary whilst also accommodating the LPP2 Policy H23 required landscaping buffer and restriction from built development to the south-west of the site and easement along the watercourse corridor, and making provision for landscape and ecology mitigation and enhancement, public open space and National Forest planting provision.
- 5.8. In accord with the LPP2 Policy H23 site-specific criteria, a detailed drainage strategy has been provided (see **Flood Risk and Drainage Strategy**) and concludes that surface water drainage strategy has been appropriately designed to manage and dispose of surface water within the site boundary, complying with the Planning Practice Guidance for ‘Flood Risk and Climate Change’ and would not give rise to flood risk, and thereby satisfies the requirements of the NPPF.
- 5.9. In accord with the site-specific criteria the site layout and design has considered the topography of the site and whilst not proposing the use of 1.5 storey dwellings has appropriately addressed this criteria through use of split-level buildings and locating taller buildings to the south of the site (see **Design and Access Statement**).
- 5.10. The application site is within the settlement boundary of Castle Gresley (Mount Pleasant), as identified within the LPP2 Appendix A, for which development is considered acceptable in principle. Furthermore, Castle Gresley is identified as a ‘Local Service Village’ which are, by definition, sustainable locations required to have a convenience store, bus service and at least five other services.
- 5.11. In summary, the proposed development is on an appropriately allocated site for housing and meets the relevant generic and site-specific criteria of LPP2 Policy H23, and delivers residential development in accord with and supportive of the NPPF (Chapter 5) requirement to significantly boost the supply of housing and adopted LPP1 Policies S1 and S4 to deliver at least the 12,618 dwelling target, and also NPPF (Chapter 11) criteria to make effective use of land and is in a sustainable location in accord with LPP2 Policy SDT1. Accordingly, it is concluded that the proposed development is acceptable in principle.

Housing Mix and Tenure

- 5.12. The proposed housing mix and tenure is as set out in **Table 3.1** and **Table 3.2** respectively and follows pre-application consultation undertaken with the Council’s Housing Development team. The proposed development is for 100% affordable housing and incorporates 2 Building Regulations Part M3 single-storey dwellings, with the remainder of the development built to Part M2 standard.

- 5.13. Accordingly, the proposed development is in accord with the NPPF (Chapter 5) and adopted LPP1 Policies H20 and H21 in providing an appropriate mix of housing and exceeds the affordable housing requirements respectively.

Highways and Access

- 5.14. The planning application is accompanied by a Transport Statement and Framework Residential Travel Plan.
- 5.1. As set out above, the application site is situated within the settlement boundary of a Local Service Village benefitting from a local bus service and local shopping parade both circa 600m to the north with a wider range of services within the village, and therefore represents a sustainable location for residential development. The Transport Statement concluded that the proposed development is well served and accessible to more sustainable modes of transport, and that there is good accessibility to education, health, employment, retail and leisure facilities.
- 5.2. Pedestrian and vehicle access would be gained via a revised access (currently a field access) to the north-west of the application site joining Oak Close, a neighbouring residential development. On site, both highway and footway continue to form three no-through-roads culminating in turning heads, with private driveway access to the flatted development and plot-designated parking as appropriate. Additional pedestrian links are incorporated into the design providing links to the public open space. The site access and on-site road hierarchy has been designed to adoptable standards and in accordance with the SDDC Design Guide SPD and is suitable to accommodate both emergency and refuse vehicles.
- 5.3. The Transport Statement concluded that vehicle trips generated from the proposed 70 dwelling scheme would unlikely result in a significant adverse impact on the surrounding highway infrastructure. Furthermore, a **Framework Residential Travel Plan** has been produced to promote a reduction in single occupancy vehicle trips. Overall, the Transport Statement concluded that there were no highway grounds why planning permission should not be granted.
- 5.4. All vehicle parking would be on-plot and is designed in accordance with the SDDC Design Guide SPD parking standards. Plot-designated bays suitable for future occupiers to utilise electric vehicle charging by virtue of their proximity to residential dwelling. 2 No bungalows will be built to Part M4(3) wheelchair and remainder of dwellings built to Part M4(2) standards providing accessible vehicle and pedestrian access.
- 5.5. It is therefore concluded that the proposed development is appropriately designed in accordance with relevant standards and therefore meets the requirements of the NPPF (Chapter 9) and LPP1 Policies S6 and INF2 in regards sustainable transport options, accessibility, highway design, acceptable in terms of effects on the highway network and provision for electric/low-emission charging.

Flood Risk and Drainage

- 5.6. The planning application is accompanied by a **Flood Risk Assessment with**

Drainage Strategy.

- 5.7. The FRA identified that the application site is at the lowest risk of flooding from rivers or the sea (i.e. Flood Zone 1) and predominantly in an area of very low risk of surface water flooding, whilst also in an area of low risk of flooding from groundwater, sewers and other artificial sources, such as reservoirs.
- 5.8. Soakaway tests identified that infiltration is not a viable method of discharging surface water flows; however, drainage to the existing watercourse is considered a viable option. The assessment of SUDS options indicated that rainwater harvesting, tree planting, pervious pavements and a detention basin were all potential options. The drainage strategy comprises a piped network with attenuation basin to be located in the south-west of the site which will subsequently outfall into the existing drain which connects to a further detention basin off-site. In addition, tanked permeable paving will be provided to all private drives. The drainage strategy has been designed to accommodate a 1 in a 100-year storm taking into account the predicted future effects of climate change with discharge rates restricted to the greenfield equivalent; in an extreme event overland flows would be directed to the flow path as existing. In conclusion, the FRA states that surface water drainage strategy has been appropriately designed to manage and dispose of surface water within the site boundary, complying with the Planning Practice Guidance for 'Flood Risk and Climate Change' and would not give rise to flood risk, and thereby satisfies the requirements of the NPPF.
- 5.9. The proposed development also seeks to enhance the watercourse (drain) corridor through increased tree planting.
- 5.10. It is therefore concluded that the proposed development is appropriately located within an area of low flood risk, and has been designed so as not increase the risk of flooding on-site or elsewhere incorporating an appropriately designed SUDs and is therefore in accord with the relevant criteria of NPPF (Chapter 14) and LPP1 Policies SD2 and SD3.

Contaminated Land and Mining

- 5.11. The planning application is accompanied by a **Site Investigation Report** incorporating a **Coal Mining Report**.
- 5.12. The Site Investigations Report concluded that the risk to identified receptors from chemical contamination, ground gases and asbestos is low and that no remediation measures are necessary. Furthermore, that the topsoil across the site is suitable for reuse in garden areas and public open space. Advice is provided in respect of construction, specifically foundations and floor slab construction, however no radon protection measures are required, and with regards further investigation to assist in engineering design matters.
- 5.13. The Coal Mining Report concluded that the application site is not within a high risk area in respect of coal mining risk and therefore no coal mining risk assessment is required, and that there are no probable unrecorded shallow workings on the site and whilst there is infilled ground shown on the British Geological Society maps to the north-east, there is no evidence of workings on historical mapping.

- 5.14. Accordingly, the proposed development accords with the LPP1 Policy SD4 in respect of ensuring that matters relating to potential unstable, contaminated or potentially contaminated land have been appropriately addressed, as well as the NPPF (Chapter 15) in respect of appropriately addressing matters relating to remediating and mitigating potentially contaminated and unstable land.

Biodiversity and Nature Conservation

- 5.15. The planning application is accompanied by a **Preliminary Ecological Appraisal** (PEA) which set out the ecological baseline, preliminary appraisal and identified mitigation and enhancement measures, including recommendations for further survey to be undertaken during the planning determination period.
- 5.16. It was noted that the site comprises a large arable field bounded on two sides by species poor hedgerows with the north-west corner containing dense and scattered scrub with scattered broad-leaved trees and a drainage ditch into a pond on adjacent land. Overall the habitats were described as being of limited ecological value with only small areas considered to have the potential to support protected/priority faunal species.
- 5.17. The potential for protected species was identified with respect to Great Crested Newts in relation to two off-site ponds and for roosting bats within 4 trees identified for removal as well as suitable habitat for foraging and commuting bats. Notwithstanding, the PEA details the scope of GCN mitigation likely to be required under European Protected Species Licence to provide confidence that the mitigation and compensation requirements can be met and that the GCN habitat proposed and a sensitive lighting strategy would likely mitigate effects on bats. Whilst some scrub, trees and hedgerow were identified as suitable for nesting birds and refuge for reptiles, the PEA concluded that further survey would be disproportionate to the small area of suitable habitat and that this could be managed through suitable mitigation measures. A badger sett was identified within 28m of the site's boundary however given the distance of the works from the sett and only evidence of partial use the PEA considered it would not be necessary to seek closure of the sett and precautionary measures are proposed.
- 5.18. No other protected species were identified and whilst suitable habitat for hedgehog (a species of principal importance) was noted further survey was also considered disproportionate and mitigation measures proposed.
- 5.19. Accordingly, subject to further ecological survey and the confirmation of appropriate mitigation measures, to be undertaken during the determination period, the proposed development would accord with the relevant criteria of NPPF (Chapter 15) and LPP1 Policy BNE3.

Hedgerow, Trees and the National Forest

- 5.20. The planning application is accompanied by an **Arboricultural Survey and Assessment** and incorporates tree constraints and tree protection plans.
- 5.21. The Survey identified 3 lengths of hedgerow, all of which were graded category C and bordering the application site; the majority of boundary hedgerow is to be retained and

subject to maintenance/management where necessary.

- 5.22. The Survey also identified 26 individual and 3 groups of trees within or bordering the application site of which trees T1, T6 and T7 form individual trees protected by a Tree Preservation Order (TPO) (reference TPO 491) and trees T10 to T26 and G2 form trees/group protected by a separate TPO (reference TPO 78). The Survey identified 4 trees (T10, T11, T12 and T18) as being unsuitable for retention due to their condition; these are recommended for removal in the interests of good arboricultural management regardless of the proposed development.
- 5.23. The proposed development seeks to remove 8 individual trees and trees within a group; however, all trees to be removed are graded either category C (trees of low quality) in 'poor' or 'fair' condition or category U (trees in such condition they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years) also in 'poor' condition. Accordingly, the Assessment concluded that the proposed tree removal would not result in a likely significant loss of public amenity or arboricultural value to the site and that any losses would be mitigated through appropriate replacement planting as part of the landscaping scheme.
- 5.24. The layout and design of the proposed development has informed by the tree constraints plan and trees subject to a TPO and retains the higher value trees and hedgerow and to ensure that future residents would not be subject to undue shade. Furthermore, measures are proposed to secure the protection of retained trees in accordance with national guidance as demonstrated with the accompanying tree protection plan and method statement. Furthermore, the proposed development incorporates both formal and informal tree planting, including in relation to National Forest policy (see below) which will provide a significant enhancement to tree coverage and biodiversity opportunity in the longer-term. Accordingly, it is determined that the proposed development accords with the relevant criteria of LPP2 Policy BNE7.
- 5.25. In respect to the National Forest, the proposed development incorporates circa 4,833m² of forestry planting, calculated as 20% of the developable area (i.e. that part of the application site comprising the developed footprint and associated infrastructure, including highway, flood attenuation, public open space and earthworks) and provides a range of habitats and open space with new recreational facilities with woodland character as provided for within the relevant policy. Furthermore, the proposed planting would be provided in accordance with the National Forest planting palette and incorporate a variety of habitats (**drawings 2494-13 and 1916-PL1-02**). Accordingly, the proposed development accords with the LPP1 Policy INF7 in respect of enhanced and extended green infrastructure and Policy INF8 in providing the required percentage of forest and landscaping planting.

Landscape and Visual Amenity

- 5.26. The planning application is accompanied by **Landscape Appraisal** which considers the visual effects of the proposed development representing views from neighbouring properties and public rights of way. The study concluded that the most likely significant views that would change would be from Oak Close, both the approach and at the application site's entrance, albeit this would generally be experienced when travelling to/from properties and not from individual properties or private amenity space, and from the public rights of way to the south between Fields Lane and Linton, albeit this would

be only partially visible and at distance, and set against the backdrop of existing development.

- 5.27. The application site predominantly comprises a large agricultural field, bounded by hedgerows and trees to the east, north and west beyond which are residential properties, with partial woodland and open/unbounded to agricultural fields to the south. The topography of the application site slopes down from the south-east corner to the north-west corner, with its wider setting within a bowl. The majority of the boundary vegetation including trees subject to TPO would be retained, subject to maintenance where necessary, such that the key landscape features would be retained.
- 5.28. To mitigate the visual and landscape effects the proposed development has been sensitively designed to consider the topography of the site, including locating taller properties to the south of the site and incorporating a tree lined avenue along the access from Oak Close, as well as reinforcing the existing boundary vegetation with additional planting with the boundary to the south to be defined extensive landscaping and tree planting.
- 5.29. Whilst the proposed development would result in some changes to visual amenity and a change to the landscape character, i.e. the change of use from agriculture to residential dwellings and associated infrastructure, the application site has been allocated for residential development in the adopted Local Plan and therefore the principle of change has been established.
- 5.30. The proposed development would deliver tree planting in accord with the National Forest Policy INF8 and would deliver the site-specific landscape criteria of the Policy H23J, specifically the exclusion of built development to the south-west of the existing tree belt and proposed landscaping buffer and enhancement along the south-western area of the site.
- 5.31. Accordingly, within the context of an allocated residential site, the proposed development accords with the objectives, as relevant, of LPP2 Policy BNE4 and Policy BNE9 and the NPPF (Chapter 15) in protecting and enhancing the key features of the landscape, notably by retaining the higher quality and individually protected trees, and mitigating the loss of lower quality trees through additional tree planting throughout the proposed development as well as increasing the extent of the woodland planting in accord with the National Forest requirements.

Residential Amenity

- 5.32. The application site is bordered on three sides by residential properties, albeit those on the Oak Close development to the north-west are generally separated by public open space with the exception of the side elevation of No 68 Oak Close and those to the south-east are separated by paddocks beyond the curtilage of properties on Fields Lane. The properties to the north/east of the site are located on Mount Pleasant Road with rear facing gardens overlooking the application site.
- 5.33. The proposed residential development is clearly considered to be an appropriate use of the application site, being both allocated for residential development, following the Council's own assessment and consultation, and of the same use as the surrounding

properties and therefore any effects are likely to be of a similar pattern and nature of the surrounding land uses.

- 5.34. The topography of the application site falls from circa 115m above Ordnance Datum (aOD) from the eastern corner of the site down to circa 95m aOD in the western corner, such that properties on Mount Pleasant Road are generally set at a higher level than the application site. To address concerns of overlooking and visual amenity, the proposed development has been sensitively designed to ensure appropriate separation distances and to reflect the topography of the site with the incorporation of split-level buildings and locating of taller buildings towards the south of the site, with the retention of boundary vegetation and trees subject to TPO, subject to maintenance where necessary, and use of retention walls to create a lower level development platform and garden, as shown on the site sections (see **drawing 2494-15 A**).
- 5.35. Accordingly, whilst acknowledging the introduction of residential properties would introduce a change to the local environment, the proposed development would be of the same use and thereby character as the surrounding residential properties such that the change would not have a material effect on the amenity of neighbouring residents nor their effect on the future occupiers of application site. It is therefore concluded that the proposed development would be in accord with the principles of LPP1 Policy SD1.

Design and Layout

- 5.36. The rationale to the layout and scheme design is set out within the **Design and Access Statement** that accompanies the planning application. The key design features from the Statement include:
- The housing mix and tenure has been agreed with the Council's Housing Department and meets local needs and supports balance, diversity and community cohesion
 - The site layout has been sensitively designed to minimise the effects on nearby properties, visual amenity, biodiversity and trees, working with the topography of the site/surrounding area, locating taller buildings to the lower areas of the site, using split-level buildings to reduce scale, ensuring appropriate separation distances, the use of retention walls to create a lower level development platform and garden, setting back of buildings from the road to enable a green corridor, retaining higher valued trees and hedgerow as well as incorporating a tree lined avenue at the site's entrance and reinforcing the existing boundary vegetation, and provision of National Forest planting and public open space (as summarised below).
 - The site layout incorporates circa 4,164m² of public open space (POS) (in accordance with the Council's open space standards) with incorporates a natural play Local Equipped Area of Play (LEAP) set within the contoured landscape with amenity grass and native and natural shrub and tree planting, in accordance with Policy INF9 in respect to providing public open space and enhancing the green infrastructure network.
 - The site layout incorporates circa 4,833m² of National Forest planting (in accordance with the Council's standards) comprising natural wildflower and bee

meadows, watercourse and (incorporated into the flood attenuation basin) with marginal and ornamental planting and amenity grassland, and makes provision for ecological mitigation and enhancement areas where appropriate.

- The site access and on-site road hierarchy has been designed to adoptable standards and in accordance with the SDDC Design Guide SPD and is suitable to accommodate both emergency and refuse vehicles, and the Transport Assessment has concluded that there would unlikely be a significant effect on the highway network.
- All vehicle parking would be on-plot and is designed in accordance with the SDDC Design Guide SPD parking standards. Plot-designated bays suitable for future occupiers to utilise electric vehicle charging by virtue of their proximity to residential dwelling.
- Building design comprises a mix of house-types and materials to add variety and interest with individual house-types incorporating design features.
- The proposed development incorporates 2 Building Regulations Part M3 single-storey dwellings, with the remainder of the development built to Part M2 standard and therefore accessible.
- All dwellings would be constructed to the current Buildings Regulations standards, and therefore meet the statutory requirements, particularly in respect of drainage and waste disposal, insulation, heating, ventilation, water efficiency and electrical safety, building access, and security.
- Provision has been made for refuse and cycle storage for house type G (flats); all other plots would utilise storage in rear gardens with each plot having a rear pedestrian access to enable bins to be brought to the front for collection.
- Surface water would be managed by SUDs and discharged to the existing drain in accord with relevant criteria of LPP1 Policies SD2 and SD3.
- Foul drainage would be to an existing main sewer, in accord as relevant with LPP1 Policy SD3.

- 5.37. Accordingly, in addition to the specific policies as stated above, the proposed development also meets the generic requirements of the NPPF (Chapter 8) being accessible, providing healthy, inclusive and safe place to life which promotes social interaction through varied public open space and new linkages and those of both the NPPF (Chapter 12) and LPP1 Policy BNE1 in regards the overall design concept and detail.

The Principle of Sustainable Development and Planning Balance

- 5.38. The NPPF (paragraph 2) reiterates that planning legislation requires that applications for planning permission should be determined in accordance with the Development Plan unless material considerations indicate otherwise. Furthermore, the NPPF (paragraphs 7 and 8) states that the purpose of the planning system is to contribute to

the achievement of sustainable development which is set in the context of the economic, social and environmental roles.

5.39. In this respect, the proposed development:

Economic:

- Would support the use of existing services and facilities, as well as commercial enterprises, provided within the village through use.

Social:

- Provide 70 residential dwellings towards the overall minimum housing target, with a mix of types and sizes of units such that it supports a balanced and sustainable community.
- Provides an 100% affordable housing scheme meeting an identified local need.
- Is appropriately located within the built-up areas of a Local Service Village and therefore accessible to services and facilities as well as public transport.

Environmental:

- Makes most effective use of land.
- Is of an appropriate scale, built form and use of materials.
- Is appropriately located within Flood Zone 1 (low probability of flooding).
- Is of a suitable and appropriate use within the context of surrounding residential areas such that there would be no material harm to the residential amenity of neighbouring and future property occupiers.
- Provides greater opportunities for green space and biodiversity, through the incorporation of amenity landscaping and public open space.
- Provides enhanced woodland planting in accordance with National Forest requirements.

5.40. Accordingly, the proposed development is in accord with the principles of sustainable development. Furthermore, this planning appraisal has demonstrated that the Proposed Development is in accord with the relevant policies of the Development Plan and other material considerations.

5.41. With this regard, both the NPPF (paragraph 11) and adopted LPP1 Policy S2 places a 'presumption in favour of sustainable development' and accordingly should be approved without delay.

6. Planning Obligations Statement

- 6.1. The adopted LPP1 Policy INF1 seeks to ensure adequate infrastructure is in place or can be provided to support the development proposals, and provides for developers to make provision for necessary infrastructure through S106 Planning Obligations and/or Community Infrastructure Levy (CIL), or to be provided by the developer. Furthermore, adopted LPP1 Policy INF6 Community Facilities seeks to ensure developments that increase the demand for community facilities and services either provide the required facilities or makes appropriate contributions for their provision.
- 6.2. SDDC does not have an adopted CIL Charging Schedule.
- 6.3. The SDDC S106 Agreements, A Guide for Developers (dated April 2010) sets out the expectations in respect of new residential properties for developments exceeding 4 dwellings, including: open space (seeking a financial contribution and provision), outdoor recreational facilities, built recreational facilities, health and education provision (seeking financial contributions) affordable housing (seeking provision and/or contribution), national forest planting (provision only) and River Mease developer contribution (contribution specific to developments within the River Mease catchment as stated).
- 6.4. In respect of the proposed development it is noted that:
- The proposed development is not within the stated River Mease catchment area and therefore this requirement is not relevant.
 - The proposed development is for 100% affordable housing.
 - The proposed development meets the open space and national forest planning provision.
- 6.5. The applicant has undertaken pre-application discussions with officers from SDDC's Planning Department, including meetings held 14 August 2019 and 07 October 2019 during which it was agreed that given the wider issues being considered, including the provision of a 100% affordable scheme and the Council's request for a comprehensive drainage strategy extending beyond the application site, that any planning obligations would be subject to negotiation during the determination period.

7. Summary and Conclusions

- 7.1. This Planning Support Statement has been prepared on behalf of EMH Homes to accompany a detailed planning application for the construction of an 100% affordable, 70 units residential scheme with associated works on land adjacent to Oak Close, Castle Gresley, Swadlincote, Derbyshire.
- 7.2. EMH Homes (EMH), is part of the East Midlands Homes Group who were established as the East Midlands Housing Association in 1946 and have grown to be one of the largest and most successful providers of affordable housing and housing-related support services in the East Midlands. Today EMH own circa 18,000 homes across the region, specialising in supporting rural communities and providing housing, care and support services to vulnerable persons and those in need.
- 7.3. Pre-application advice was sought from South Derbyshire District Council, the determining planning authority. The Council were supportive of the scheme in principle and have provided advice with regards the housing mix and tenure.
- 7.4. The application site is appropriately allocated for residential development as a 'non-strategic housing site' within the adopted LPP2 Policy H23, and therefore the principle of residential development is established.
- 7.5. The proposed development is in accord with the principles of sustainable development and the planning appraisal has demonstrated that the proposed development is in accord with the relevant policies of the Development Plan and other material considerations.
- 7.6. With this regard, both the NPPF (paragraph 11) and adopted LPP1 Policy S2 places a 'presumption in favour of sustainable development' and accordingly should be approved without delay.

Tyler Parkes Partnership Ltd.
October 2019