

**11. FULL APPLICATION – ERECTION OF 3 NO. ENTRY LEVEL EXCEPTION (AFFORDABLE) HOMES, INCORPORATING THE LANDSCAPE AND ECOLOGICAL ENHANCEMENT OF THE BALANCE OF THE LAND. LAND NORTH OF COCK HILL, NETHER END, BASLOW (NP/DDD/0623/0661 /JRS)**

**APPLICANT: MR OTTO MARPLES**

**Summary**

1. The proposal is to erect three single storey dwellings to meet an identified local need. The dwellings would be developed by the applicant and will be discounted and offered to local people either for rent or sale.
2. The development would retain the majority of the site as open space and would provide public access to it. It would be landscaped to improve its appearance whilst increasing its biodiversity interest.
3. The siting and design of the dwellings would conserve the character of the area and the setting of the Baslow Conservation Area.
4. There would be no adverse impacts on residential amenity and all other considerations could be dealt with by means of appropriately worded conditions. The occupancy and affordability of the dwellings and the use of the rest of the site as public open space can be secured through a Section 106 legal agreement.

**Site and Surroundings**

5. The application site is an undeveloped area in the village of Baslow, in the part of the village known as Nether End. It is approximately 0.258 hectares in area. The site sits immediately to the north of the A.619, the main road through Baslow. Eaton Hill runs to the west of the site, with the development known as Eaton Hill on higher ground to the north. To the east there is a more traditional property and the Wheatsheaf public house. On the southern side of the A619 there is a public open space known as Goose Green, with the public car park to the south of this and the Devonshire Arms to the east.
6. The site lies within Baslow Conservation Area. It is currently overgrown, having been unused and largely neglected since the adjacent development was undertaken in the early 1990s.
7. The southern part of the site is within a Flood Zone area.

**Proposal**

8. Planning permission is being sought for the erection of three single storey, one bedroom dwellings to meet a local need for affordable housing. The supporting statement explains the houses would be either made available for rent or sold by the developer. The houses would be largely single aspect, with a small sunken rear yard. They would have green, flat roofs. The units would have an entrance hallway, an open plan kitchen/living/dining space, a bathroom and a double bedroom. Each unit would have its own private outdoor amenity space.
9. The site would be accessed by the existing vehicular access onto Eaton Place and three parking spaces would be provided within the site.
10. The remainder of the site would be retained as public open space, with new landscaping and planting and a footpath through the site from the A619 to Eaton Hill.

11. The application is supported by visuals of the proposed development, a design statement, an aboricultural assessment, a preliminary ecological assessment and biodiversity net gain assessment, an illustrative landscape plan, plans of the dwellings and a covering letter.
12. The covering letter sets out the approach behind the application as follows:  
*“In this connection, Swain Architects were commissioned alongside landscape architects, Influence Landscape Planning and Design Ltd, and ecologists (Sherwood Ecology & Sustainability Ltd) to all work together to devise a scheme that could deliver the development alongside significant landscape, ecology and biodiversity enhancements to the benefit of the National Park, the character and appearance of the Conservation Area, the Parish Council, local residents - and all those who regularly pass the site. The key objective was to ensure that the development was not overly prominent on the site (so as to preserve the over-riding contribution the site made, alongside Goose Green on the opposite side of the A619, as part of the wider open space).*

*To achieve this, the development has been restricted in number to just 3 single-storey dwellings – and set into the land at its northern extent, served via the existing vehicular access off Eaton Hill. The dwellings are modest in scale and nature (so as to be fit for purpose as entry-level exceptions homes ) and contemporary in design – enabling the incorporation of wildflower roofs which contribute to overall biodiversity gain, whilst ensuring their impact from views from those dwellings along Eaton Place looking south across the site, and views from the A619 looking north across the site, are minimised”.*

#### **RECOMMENDATION:**

**That subject to prior entry into a Section 106 Agreement to secure occupancy in accordance with the Authority’s policies on affordable local needs housing and to retain public access and management of the open space in perpetuity, that the application be APPROVED subject to the following conditions:**

- 1. Commence development within 3 years.**
- 2. Submit detailed landscaping scheme, in accordance with the illustrative landscape scheme. Implement and maintain thereafter.**
- 3. Implement biodiversity net gain scheme and maintain thereafter.**
- 4. Detailed design conditions.**
- 5. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any order revoking or re-enacting that Order) no alterations to the external appearance of the dwelling shall be carried out and no extensions, porches, ancillary buildings, solar/photo voltaic panels, gates, fences, walls or other means of boundary enclosure shall be erected on the site without the National Park Authority's prior written consent.**
- 6. Submit details of any external lighting on the site.**
- 7. Highway conditions.**
- 8. Submit and agree precise details of climate change mitigation measures including consideration of air source heat pumps to meet policy CC1 with post completion verification provided.**
- 9. Submit and agree management plan for the public open space.**

## **Key Issues**

- Whether there is an identified need for three affordable local needs dwellings.
- Whether the dwellings are of a size and type that would remain affordable in perpetuity and whether the proposed restrictions would ensure this.
- Landscape impact and impact on the Conservation Area.
- Design of the dwellings.
- Impact on biodiversity
- Climate change mitigation
- Impact on residential amenity

## **History**

13. 1989: NP/WED/0789/414 Erection of 24 dwellings on land at Eaton Hill (outline). This scheme retained to area above the A619 as an open space; this included the current application site.
14. 1990: NP/WED/0590/250 Approval of reserved matters for the erection of 12 starter homes and 4 flats on land at Eaton Hill. This is the housing which now sits above the application site.
15. 1995: NP/WED/0195/001 Planning permission refused for “Residential development of 2 houses and 8 flats for rent and 4 retail units and children’s play area”. A subsequent appeal was dismissed in July 1996 following a Hearing. This application covered the undeveloped area which includes the current application site.
16. 2007: NP/DDD/1004/1063 Planning permission approved for “Residential low-cost housing development of 6 units”. This was on the site to the north of the access road to the Eaton Hill development and was carried out by a Housing Association.

## **Consultations**

### **17. Highway Authority:**

No highway objections to the proposal from the highway point of view, subject to the following conditions being included in any consent granted in the interests of highway safety:

1. At the commencement of operations on site (excluding demolition/ site clearance), space shall be provided within the site curtilage for storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives and visitors vehicles, laid out and constructed in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.
2. The existing vehicular access off Eaton Place shall be provided with maximum visibility sightlines, as measured from a point located centrally and 2.4m back into the access, to the nearside carriageway edge in both directions. The area within the sightlines shall thereafter be kept clear of any object greater than 1m in height (0.6m in the case of vegetation) above the nearside carriageway channel level.
3. The premises, the subjects of the application, shall not be occupied until space has been provided within the site curtilage for the parking of resident’s vehicles (each space measuring a minimum of 2.4m x 4.8m), laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.

4. There shall be no gates or other barriers within 5m of the nearside highway boundary and any gates shall open inwards only.
18. Derbyshire County Council as the Lead Local Flood Authority (LLFA): As this is a minor application the Lead Local Flood Authority (LLFA) has no formal comment to make.
19. District Council Rural Housing Enabler: The RHE has provided a statement of housing need (referred to in the assessment section below), with the following summary statement in the covering email:  
*“Our interrogation of Home Options Data in December 2023 shows that there are currently 5 applicants in housing need who live in and have a local connection to Baslow. There are also 3 applicants in housing need who have lived in immediately adjoining parishes for 10+ years and so also meet the local connection criteria to Baslow. Overall therefore, there are 8 applicants in housing need who have a local connection to Baslow. The predominant need is for 1 bed accommodation, comprising 6 of the 8 households in need. Affordable housing for rent (rather than an ownership / shared ownership tenure) would be most suitable for these households. Existing affordable housing is of insufficient supply to meet this need.”*
20. Baslow Parish Council: *“The Parish Council would like to support the improvement of this area and welcomes a new communal space. The design of the properties appears to be in keeping with the conservation area and affordable housing would be an asset to the Parish”.*
21. Planning Policy PDNPA: Initially raised concerns that the application was not supported by a Housing needs survey and that the type of housing and method of delivery proposed did not meet the Authority’s policies or advice in the NPPF. Consequently, the District Council’s Rural Housing Enabler was consulted (see above). In response to this, the latest response from the Planning Policy team is as follows:

*“The information provided by Jeremy Mason (DDDC) confirms the applicant is building the correct sized properties (one bedroom dwellings) for people in housing need (I can’t see an internal size m2, so can you check they meet with the standards as set out in the DMH1 interim policy note?).*

*However, the applicant has not demonstrated that the properties will be affordable for the people in housing need and more evidence is required. While acknowledging Brian’s recommendation that we should not ‘do the maths’, nevertheless I would be mindful of recommending approval for a scheme that proposes affordable rented properties, unless people in the locality can afford them. If the homes are not affordable the proposal would not meet the requirements of NPPF para 82 or the National Parks’ circular on providing affordable housing to meet local needs.*

*Jeremy Mason has provided information on household income for those in need and advised that they can afford to spend 30% of their income on rent. We need more evidence from the applicant that the rental prices are affordable for the people in housing need if we are to accept their argument for affordable rented properties in this location. I understand that rentals will be 30% below market rentals but what does this actually mean and how does it relate to what people on the housing register can afford?*

*A significant amount of weight should be given to the evidence given by DDDC and the NPPF in determining the type of affordable housing provided.*

*The NPPF para 64 states that ‘Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required...’ Whilst the Local Plan does not specify a type of affordable housing required, it is clear from the*

*evidence provided from DDDC to support any development here (which is being used as a material consideration) that the need is primarily for social rented housing, unless the applicant can demonstrate otherwise.*

*The NPPF goes on to state in para 82 ‘In rural areas, planning policies and decisions (my highlighting) should be responsive to local circumstances and support housing developments that reflect local needs.... Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs...’*

*Until we are satisfied that affordable rented properties meet the need in this location, my preference would be for social rented properties as this type of affordable housing would meet the need set out in the DDDC report.*

*I understand there is support for the scheme by the Parish Council and locally. Are they fully aware of the type of affordable housing proposed, or is their understanding that it is ‘affordable’?”*

22. Landscape Architect PDNPA:

*“I note PDNPA Policy objection – and any comments I make from a landscape perspective should be considered against wider policy objectives / issues. I am generally supportive of the landscape proposals – but this needs to be weighed against development of an important open space and longer term management of the site. It is not clear from the application how the open space would be managed going forward, how long for etc? Who would manage this, who would carry insurance if the space is used by school groups etc? Is a management plan for the site in place? This issue would need to be confirmed”.*

## **Representations**

23. Five letters of support have been received, raising the following points:

- Support the application as it will improve an area of the village that has been neglected for some time.
- Gives access to the land to the residents. It has minimal impact being only 3 properties all sustainable. This is and should be strongly supported.
- This scheme is a good proposal for adding affordable homes and village amenities for the community. It replaces an eyesore in the centre of the village.
- The design is well thought out and seems to align with PDNP planning policy and guidelines.
- The three planned starter homes are much needed in Baslow.
- I support the application. I do have reservations about the proposed public access from the main road. This is a busy through route with much heavy traffic, often travelling at significant speed. As it is there is too easy an access direct from Goose Green - straight across this road. I suggest the entrance would be better placed at the bottom of Eaton Hill, close to the traffic lights.

24. There is also a letter making a general comment, the key point of which is as follows:

*“Overall, we support this application. We are grateful that the Arboricultural Assessment and other documents give due consideration to our mature copper beech tree (T3 in the reports), and require it not to be disturbed during the works. However, there is one significant error in the Landscape Design Document, the Arboricultural Assessment and elsewhere, where it seems to be presumed that the hedge along the eastern side of the site is part of the site. It is not. We own it, and indeed we planted the larger beech element ourselves on our side of the barbed wire fence delimiting the boundary, after we bought ‘The Croft’ in 1989”. They also make a number of comments on a fence on the site and*

on the history of the site following the 1989 planning permission for the adjacent development.

### **Main Policies**

25. Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, HC1, L1, L3, CC1
26. Relevant Development Management Plan policies: DMC3, DMC5, DMC8, DMH1, DMH2, DMT3, DMT8.

### **National Planning Policy Framework**

27. The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. The latest revised NPPF was published in December 2023. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority's Core Strategy 2011 and Development Management Policies (adopted May 2019) in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF.
28. Paragraph 182 of the NPPF states that 'great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.
29. With regard to housing, the NPPF says in paragraph 64: "Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site".
30. With regard to rural housing, the NPPF says:

"82. In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs, including proposals for community-led development for housing. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.

83. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby."
31. The NPPF's Glossary includes the following definition of affordable housing for rent:

"Affordable housing  
Housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:

*(a) Affordable housing for rent: meets all of the following conditions: (a) the rent is set in accordance with the Government’s rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).”*

### Core Strategy

32. Core Strategy policy GSP1 sets out the broad strategy for achieving the National Park’s objectives having regard to the Sandford Principle, (that is, where there are conflicting desired outcomes in achieving national park purposes, greater priority must be given to the conservation of the natural beauty, wildlife and cultural heritage of the area, even at the cost of socio-economic benefits). GSP1 also sets out the need for sustainable development and to avoid major development unless it is essential, and the need to mitigate localised harm where essential major development is allowed.
33. Core Strategy policy GSP2 states, amongst other things, that when development is permitted, a design will be sought that respects the character of the area.
34. Core Strategy policy GSP3 sets out development management principles and states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.
35. Core Strategy policy L1 addresses landscape character and valued characteristics. Seeks to ensure that all development conserves and enhances valued landscape character and sites, features and species of biodiversity importance.
36. Core Strategy policy L3 requires that development must conserve and where appropriate enhance or reveal significance of archaeological, artistic or historic assets and their setting, including statutory designation and other heritage assets of international, national, regional or local importance or special interest.
37. Policy HC1 says that exceptionally, new housing can be accepted where the proposals would address eligible local needs and would be for homes that remain affordable with occupation restricted to local people in perpetuity. The provisions of HC1 are supported by policy DMH1, DMH2 and DMH3 of the Development Management Policies, which gives more detailed criteria to assess applications for affordable housing to meet local needs.
38. Core Strategy policy CC1 states that development must make the most efficient and sustainable use of land, buildings and natural resources.

## Development Management Policies

39. DMH1 states that affordable housing will be permitted in or on the edge of named settlement, either by new build or by conversion provided that there is a proven need for the dwelling; and they are within set size thresholds as follows:

<b>Number of bed spaces</b>	<b>Maximum Gross Internal Floor Area (m2)</b>
One person	39
Two persons	58
Three persons	70
Four persons	84
Five persons	97

40. DMH2 sets criteria for the first occupation of new affordable housing.
41. Development Management Practice Note policy DMH1: New Affordable Housing (February 2022). The practice note clarifies a number of points on the implementation of the Authority's housing policies.
42. Development Management Policy DMC3 requires development to be of a high standard that respects, protects, and where possible enhances the natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage that contribute to the distinctive sense of place. It also provides further detailed criteria to assess design and landscaping, as well as requiring development to conserve the amenity of other properties.
43. Policy DMC3B sets out various aspects that particular attention will be paid to siting, scale, form, mass, levels, height and orientation, settlement form and character, landscape, details, materials and finishes landscaping, access, utilities and parking, amenity, accessibility and the principles embedded in the design related SPD and the technical guide.
44. Policy DMC4A says that planning applications should provide sufficient information to allow proper consideration of the relationship between a proposed development and the settlement's historic pattern of development including the relationship of the settlement to local landscape character. The siting of the development should complement and not harm the character of these settlements.
45. Development Management Policy DMC8 sets out the policy on development in Conservation Areas. It states that applications should assess and clearly demonstrate how the character and appearance and significance of the Conservation Area will be preserved or enhanced and should be determined in accordance with Policy DMC5. Development will not be permitted if applicants fail to provide adequate or accurate detailed information to show the effect of their proposals on the character, appearance and significance of the component parts of the Conservation Area and its setting.
46. DMC11 Safeguarding, recording and enhancing nature conservation interests says that proposals should aim to achieve net gains to biodiversity or geodiversity as a result of development. In considering whether a proposal conserves and enhances sites, features or species of wildlife, geological or geomorphological importance all reasonable measures must be taken to avoid net loss.



47. In February 2024 the Authority published an Interim Note on Mandatory Biodiversity Net gain (BNG). Under the Environment Act 2021, certain developments in England must deliver at least 10% Biodiversity Net Gain, otherwise planning permission cannot be granted. This will be mandatory from 12 February 2024 for major development sites, and from 2 April 2024 for small scale sites. Biodiversity Net Gain will be measured using a biodiversity metric and habitats will need to be secured for at least 30 years. A planning application should indicate generally how the Biodiversity Net Gain will be met with a pre-commencement condition attached to planning permissions requiring full details. This means that before development can take place, details of how a 10% net gain will be achieved must be submitted to and agreed by the National Park Authority.
48. For those developments that fall outside the scope of mandatory BNG the Authority encourages proportionate biodiversity net gain as per policy L2 of the Core Strategy and policy DMC11.
49. DMC13 *Protecting trees, woodland or other landscape features put at risk by development* says that planning applications should provide sufficient information to enable their impact on trees, woodlands and other landscape features to be properly considered in accordance with 'BS 5837: 2012 Trees in relation to design, demolition and construction - Recommendations'. Development should incorporate existing trees, hedgerows or other landscape features within the site layout. Where this cannot be achieved the onus is on the applicant to justify the loss of trees and/or other features as part of the development proposal.
50. Policy DMT3 states that development which includes a new or improved access will only be permitted where safe access can be provided.

## **Assessment**

### Principle of Affordable Housing

51. Adopted policies do not allow new build housing in the National Park unless there are exceptional circumstances. One circumstance where housing can be permitted is under policy HC1 A, where development would meet eligible local need for affordable housing (in or on the edge of named settlements).
52. As a settlement named by policy DS1, in principle Baslow is an acceptable location for new affordable housing. The site is clearly within the settlement, albeit on a site that has been considered as an important open space within the village; this issue is considered below.

### Whether the development would meet a local need for affordable housing

53. In terms of determining whether there is a local need, paragraph 6.24 of the Authority's Development Plan sets out that it will require the same information as the local housing authority's Home Options scheme in order to establish whether there is a genuine housing need.
54. In this case, the initial application did not include any evidence that there was a local need in the parish for affordable housing. The Authority's Planning Policy Team objected on this basis and advised that a Housing Need Survey should be carried out to establish whether there was a need and if so, what the scale and nature of this was along with evidence to demonstrate that the housing would be affordable. The applicant was reluctant to commission a housing needs survey for this purpose, so officers contacted Derbyshire Dales District Council's Rural Housing Enabler (RHE). In correspondence with the RHE he has explained that he had studied the information available to the

Council and he has provided a Housing Needs Statement for Baslow, dated December 2023.

55. This is a thorough report, based on Housing Register and Home Options data. It concludes *“There are currently 5 applicants in housing need who live in and have a local connection to Baslow. There are also 3 applicants living in adjoining parishes who have lived there for 10+ years and so also meet the local connection criteria to Baslow. Overall therefore, there are 8 applicants in housing need who have a local connection to Baslow”*.
56. It goes on to say that *“households in Baslow require 6 x 1 bed, 1 x 3 bed and 1 x 5 bed accommodation. Households in need present at a range of ages and are all currently living in unsuitable accommodation for the different reasons listed above. When comparing the affordability graph... with household annual incomes, there are no households that can afford to purchase in Baslow”*.
57. In terms of existing social housing it says that there are 30 social housing properties in Baslow, all of which are currently occupied. It concludes: *“The housing register data demonstrates that there is unmet housing need in Baslow. Turnover rates in existing affordable housing stock are insufficient to meet that need in full.*
- The largest source of housing need derives from single people needing 1 bedroomed accommodation. Income and affordability figures suggest that households in need cannot afford to buy on the open market or access the private rented market”*.
58. In terms of size, the three dwellings would have an internal floor area of approximately 59 square metres, very close to the limit for two person dwellings set out in policy DMH1 (58 sq.metres). The architect has explained that the scheme has been designed to provide space for mobility standards, so the layout is relatively spacious.
59. Given the advice from the District Council’s Rural Housing Enabler, it is considered that there is a local need for affordable housing of the size proposed (i.e. single bedroom units) as required by policies DMH1 and DMH2.
60. In terms of the delivery of the dwellings and securing their occupation by local people in perpetuity, whilst the applicant has verbally stated he is proposing to build them and make them available for rent, with occupancy and rents being controlled through the Authority’s standard section 106 legal agreement the application documents refer to sale or rent so there would be no guarantee that the dwellings would be rented. Whilst it is usually preferable for affordable local needs housing to be delivered by Registered Social Landlords (RSLs), Government policy and the Development Plan policies do not prohibit delivery by developers, although there have been cases in the National Park where this has resulted in some difficulties in ensuring affordability and future sales to local people in housing need. Those same concerns arise here where unless the dwellings are offered at an affordable rent they would not be affordable by those local persons in most need of housing identified by the District Rural Housing Enabler. It should also be noted that the Authority’s policies are “tenure neutral”, not favouring either ownership or rental.
61. In this case the initial application referred to the NPPF, and said that entry-level exceptions homes comprise a form of affordable housing, where they are provided for first-time buyers, and where they are discounted at 30% below open market value in perpetuity. The NPPF actually states that affordable rents should be at least 20% below market rates, but the application proposes a 30% discount.
62. The Rural Housing Enabler’s report states that the median monthly rent in Chatsworth Ward is £900, but it is not clear what the median rent is for 1 bedroom properties; clarification is being sought on this.

63. The approach set out in the application would comply with the Authority's policies if the occupancy and value of the properties are restricted by a section 106 agreement. This would give the Authority the ability to ensure that any letting of the properties or indeed their sale would be at a rent or price below market level, as recommended in the NPPF and as proposed in the application. Any approval must be subject to this. However, it is important to acknowledge the concerns of the Planning Policy team that even with this restriction, the houses are likely to be less affordable than if delivered through a Registered Social Landlord, but they would be more affordable than unrestricted private rental properties. It is also important to note that without the involvement of an RSL any housing provided could also be sold. Although any sales would still deliver more affordable housing and meet wider local needs it would nevertheless be even less affordable to local persons identified in the parish need survey as only being able to afford rental property.

#### Impact on Conservation Area and Open Space

64. The appeal decision in 1995 set out the following conclusion by the Inspector, which has essentially been the Authority's position since the late 1980s, when the adjacent housing development was approved, leaving the application site undeveloped:

*"From vantage points up Eaton Hill, in my view it is the appeal site which holds together the parts of this whole central feature. Goose Green itself is a key element, but it would be poorly served by the proposed development; hemmed in by buildings it seems to me that it would become no more than an isolated grass triangle, happily endowed with specimen trees but with a very much reduced setting.....I consider that, in principle, the development of the appeal site would spoil the prevailing sense of place. It would cause unacceptable harm to the character and appearance of the area, which is a matter of particular importance in the National Park".*

65. The site is within Baslow and Bubnell Conservation Area. The CA Appraisal and the associated plan shows that the site lies within Area G (Nether End) Sub-Area. The plan identifies the stone boundary walls and adjacent hedgerow and area of trees comprising features of significance, together with the steep slope towards the north of the site. The site is identified as being part of a wider important open space, alongside adjoining land to the north-west (which has since been developed). The Conservation Area Appraisal confirms The Green is the focal point of the area, crossed by footpaths and "well sprinkled with trees".
66. The Development Management Plan, adopted in 2019, includes inset maps of all the main settlements in the National Park. The map for Baslow and Bubnell also identifies the application site as "Open Space in a Conservation Area", with policies L3 and DMC8 applying.
67. As noted above, when planning permission was granted in 1989 for housing development on the open land to the north (24 houses in total, with 6 more in 2006), the application site was intended to be public open space, but it is understood that the Parish Council was unwilling to take it on. Consequently, whilst the site has remained undeveloped, it has been largely unmanaged and overgrown. This has retained it as an open space, but its appearance does not conserve or enhance this part of the village. It can be argued that it does not require development to achieve this enhancement as a relatively simple regime of land management with some seasonal grass cutting could achieve this.
68. The application responds to this by producing a scheme which retains more than half the site as public open space, managed to improve its appearance whilst retaining biodiversity interest. It is proposed that this land will to be transferred to the Parish Council to enable the site to be opened up to, and enjoyed by, the general public. The

supporting letter explains that the project landscape architects carried out an initial landscape and visual assessment of the site and its local context to better understand the significance and contribution the site makes as an open space within the Conservation Area. A Preliminary Ecological Assessment was also carried out to establish the presence of any flora or fauna of significance and to identify opportunities to maximise landscape, ecological and biodiversity enhancement as one of the key objectives behind the proposal. An Arboricultural Assessment was also undertaken to establish the root protection areas of those trees on the site, or adjoining the site, proposed to be retained. The letter says that these investigatory surveys and assessments fed into the architect's brief to ensure a coordinated approach.

69. The covering statement explains that the landscape design works with the habitat of the existing site and incorporates pathways through meadow grassland, over wetland areas and through more shaded treed areas, linking the site with the surrounding area and resulting in a mosaic of habitats within the site. It concludes that this will lead to a 25.35% increase in habitat units within the site and a 522.09% increase in hedgerow units within the site, both well in excess of the 10% target for biodiversity net gain. It explains that as the southern part of the site is subject to flooding, there would be a proposed area of native wildflower wet grassland, aquatic grasses and marginal mix to suit the wetter ground conditions, creating further landscape and habitat diversity. A timber boardwalk would provide public access to this part of the site in damp conditions. The perimeter stone wall would be maintained, with existing gateways utilised for public access. New native trees would be located to the east of the site to maintain visual openness across the south-west of the site and help visually screen the existing substation. It also says that there is opportunity for interpretation and a degree of relevant informal, natural play items such as timber stepping logs, that follow the pathways around the site and complement the natural landscape setting. If the application is approved, the precise details of the landscape design should be conditioned for approval.
70. Taking all these points into consideration, the site has been in its current state for over 30 years and whilst it is not so unsightly that it would justify an open market housing scheme or a scheme that resulted in the loss of its key role as an open space, the current proposal is well thought-out as it would retain a larger part of the scheme and is designed to reduce the impact of the proposed dwellings on the sense of openness (detailed design is considered in the next section). The proposals to landscape the site to provide public access and to improve biodiversity are positive considerations which lend support to the application. This would allow the site to have a positive role in the centre of the village, rather than its current relatively neutral role as an undeveloped area.
71. In summary the dwelling would conserve the character of the area and the setting of the Baslow Conservation Area in accordance with policies GSP3, L3, and DMC8.

### Design of the proposed dwellings

72. The proposed dwellings are of a contemporary design that seeks to minimise their visual impact, whilst following sustainable design principles. They would be single storey, with flat, green roofs, and half sunken into the ground, using the existing fall in topography on the site. There would be a landscaped bund in front of the dwellings so they would be largely screened from the adjacent public open space and the A.619. The retaining walls to the north of the development that form the rear courtyards would be constructed from gabions, with the spine walls that form the sides of each unit constructed from timber frame and clad in local gritstone with timber frame between them to form the flat, green roofs. To the front of each dwelling will be fins/louvres to provide shading to the main living room windows which are south facing. Climbing plants will be planted at the base of the fins to provide additional shading in the summer months. The north and south facing walls of the dwellings would be clad in timber on the areas surrounding and

adjacent to the windows. The window and door frames will be constructed from thin profile black aluminium

73. This approach is considered to be well thought out and appropriate in this particular location, given the need to retain the primary character of the site as open space. The development would be of a contemporary design but one that would be appropriate and sympathetic in this location.

74. In summary the scale, form and design of the dwellings would conserve the character of the area and its setting in the Baslow Conservation Area in accordance with policies DMC3, DMC5 and DMC8.

#### Impact on Residential Amenity

75. The nearest neighbouring properties are immediately to the rear (north) of the proposed dwellings, with The Croft to the east. The scale and single storey nature of the dwellings, with a largely single aspect, would ensure that the development would not cause harm to residential amenity through overlooking or overshadowing. It is therefore in accordance with policy GSP3.

#### Ecological considerations

76. As noted above, the application is accompanied by a Preliminary Ecological Assessment was carried out to establish the presence of any flora or fauna of significance and to identify opportunities to maximise landscape, ecological and biodiversity enhancement as one of the key objectives behind the proposal. The Biodiversity Net Gain Assessment submitted with the scheme says that it will provide an opportunity to better manage the existing habitats on site and enhance local biodiversity. In its current condition, with scrub, the site has some benefit to wildlife. However, as noted above, it concludes that the proposals for the landscaping and management of the site will lead to a 25.35% increase in habitat units within the site and a 522.09% increase in hedgerow units within the site, both well in excess of the 10% target for biodiversity net gain. This is another positive factor in the balance which lends support to the proposal.

77. An Arboricultural Assessment was also undertaken to establish the root protection areas of those trees on the site, or adjoining the site, proposed to be retained. The Arboricultural Assessment assessed all trees within and adjacent the site and confirms that the young, scattered trees within the site are of low value. The scheme will result in the loss of only 3 of the existing trees, which the assessment confirms will not be harmful, and will be outweighed by the planting of 20 new native trees.

78. The proposal is therefore considered to be in accordance with policies DMC11 and DMC13.

#### Highways and Parking

79. The Highway Authority has no objection, subject to conditions.

#### Climate Change Mitigation

80. A Design Statement has been submitted with the application. The statement lists a number of measures that would be introduced to mitigate against climate change. The proposed dwellings would be covered by a biodiverse green roofing system. The structure of the units will be mostly built from timber frame, allowing for larger amounts of insulation to be included within the roof, walls and floor. The stone used in the construction of the spine walls will be locally sourced gritstone. The planted roof will retain water in periods of heavy rainfall and then discharge it slowly into the drainage system.

The landscaping of the rest of the site is designed to accommodate flooding when necessary; this part of Baslow has suffered from severe flooding in recent years.

81. No information is included about how the dwellings would be heated, however officers consider there is a clear opportunity to include air source heat pumps for example and therefore a condition is suggested to submit and agree a detailed package of measures the developer can commit to in order to ensure the proposal accords with policies CC1 and CC5.

### **Conclusion**

82. The proposal would meet an identified need for single bedroom affordable local needs dwellings in Baslow. The proposed delivery would be by the applicant rather than a Registered Social Landlord, but he has offered to provide them at a discounted rate, which can be secured through the Authority's Section 106 agreement. The dwellings would therefore be more affordable than unrestricted private rentals or equivalent market properties for sale and would help to meet the need for such dwellings although not necessarily to all those identified by the Rural Housing Enabler who potentially could only afford social rents through RSL involvement.

83. In other respects the application addresses the concerns that have led to the previous refusal on the site. The proposal is a well-designed scheme which retains the majority of the site as open space and includes measures to allow public access and increase biodiversity. The design of the dwellings is innovative and sensitive to the importance of the site as an open space in the heart of the village and Conservation Area. Accordingly, the application is recommended for approval, subject to prior entry into a section 106 legal agreement and to conditions.

### **Human Rights**

Any human rights issues have been considered and addressed in the preparation of this report.

### **List of Background Papers** (not previously published)

Nil

### **Report Author and Job Title**

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