

10. FULL APPLICATION – 4 LOCAL NEEDS DWELLINGS AT LAND SOUTH EAST OF WYNGATE, THE MIERS, BIRCHOVER (NP/DDD/0525/0460) JS

APPLICANT: MR J RIMMER

Summary

1. This application seeks full planning permission for the erection of 4 dwellinghouses along with associated infrastructure that would include a vehicular new access and parking area. The dwellings would all be affordable dwellings with the intention of meeting eligible local need.
2. Officers have carried out negotiations with the applicant to secure amended plans and further information. The development would be considered a departure from relevant local plan policies which seek to ensure new affordable housing developments are either inside or to the edge of policy DS1 settlements; this site would be sufficiently set apart from Birchover to be not considered at its edge. However, it is considered that given the evidence of local need for affordable housing and the limited capacity for greenfield development in the National Park, the proposal would be acceptable and can be accommodated without harm to the special characteristics of the National Park.
3. The development is considered to be acceptable in all other respects and therefore is recommended for approval subject to prior entry into a S.106 planning obligation and subject to planning conditions.

Site and Surroundings

4. The proposed development site has an area of approximately 0.1ha and rises very gradually to the north and also rises from west to east. The site consists of mainly rough grassland bounded by dry-stone walls. The Miers (a C classified road) runs along the southern boundary which bends to the east before dropping down and meeting Main Street at the centre of Birchover approximately 160m to the south.
5. The site is open with no trees; there is a single Ash tree to the north on land within the ownership of the applicant; to the western boundary outside of the application site are two more trees. The site is between two clusters of dwellings with a terrace of 3 immediately to the west and two sets of semi-detached homes to the east. To the opposite side of the Miers is the large detached 'Miers House'. To the north is a large agricultural field bounded on three sides by dense tree plantations.
6. The Birchover Conservation Area ends approximately 40m to the south east of the site at the point where a dense mass of trees which extends along the northern side of Birchover meets the large open agricultural field referenced above.
7. The site is located within Flood Zone 1. A drainage sough which is an historic water supply runs across the northwest of the field but outside of the application site. The site is located within the Slopes & Valleys with woodland Landscape Character Type (LCT).

Proposal

8. This application is seeking planning permission for 4 affordable homes; the permission would also include the creation of a new vehicular access, turning area and 6 parking spaces. The existing front stone boundary wall would be set back and rebuilt to allow for acceptable visibility splays in either direction; soft landscaping would be provided behind this rebuilt wall.
9. The scheme would be made up of:

- Two 1-bedroom flats with a floor area of approximately 38.7sqm each
- One 2-bedroom detached house with a floor area of approximately 69.56sqm
- One 3-bedroom detached house with a floor area of approximately 96.8sqm

10. The homes would be constructed in natural local gritstone with roofs to be covered by blue slate tiles. Solar panels are proposed to the south facing front roof slopes of the dwellings.

RECOMMENDATION:

That the application be APPROVED subject to prior entry into a S.106 planning obligation to secure affordable housing and subject to the following conditions:

In accordance with specified approved amended plans:

1. **Statutory time limit for implementation**
2. **In accordance with specified approved amended plans**
3. **Submission, approval and implementation of surface water drainage scheme**
4. **Submission, approval and implementation of Construction Management Plan (to include details of noise/dust management and hours of operation)**
5. **Submission, approval and implementation of finished ground and floor levels**
6. **Submission, approval and implementation of scheme of enhancement measures for bats, birds and hedgehogs**
7. **Submission, approval and implementation of scheme of measures to mitigate the effects of and adapt to climate change**
8. **Submission, approval and implementation of detailed hard and soft landscaping scheme**
9. **Submission, approval and implementation of secure bicycle parking and bin storage areas including detail of bin collection point.**
10. **Implementation of biodiversity gain plan.**
11. **Submission, approval and implementation of tree protection measures**
12. **Implementation of mitigation measures detailed in Section 4.3 of the Ecological Report**
13. **Implementation of access, parking and turning facilities prior to occupation**
14. **Front boundary wall shall be rebuilt as shown on submitted plan prior to occupation and visibility splays retained in perpetuity**
15. **Approve samples of external materials**
16. **Approve sample panels of gritstone walling**
17. **Approve details of windows and doors**
18. **Approve details of any external meter boxes**

19. Approve details of solar panels
20. Rainwater goods and verge details
21. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority
22. Remove permitted development rights for alterations, extensions, hard surfaces, ancillary buildings, means of enclosure and solar panels.

Key Issues

- Principle
- Landscape impact
- Layout, design, landscaping and sustainability
- Residential amenity
- Impact upon cultural heritage
- Ecology
- Highway safety
- Flood risk and drainage

Relevant Site History

11. There is no site history that is relevant to this planning application.

Consultations (Comments are summarised. Consultee responses can be read in full on the Authority's planning search system)

12. **Highway Authority: No Objection subject to conditions following receipt of further information:**
 - Visibility is considered acceptable
 - Proposed parking provision would surpass the level required by DCC Parking Guidance for New Developments with 6 spaces proposed whereas the guidance requires a total of 5 spaces.
 - It is noted that cycle parking is to be provided to the rear of each unit. Therefore, this should be conditioned.
 - A collection point for refuse collection should be conditioned
 - Other conditions should be imposed as part of any grant of approval to firstly ensure the delivery of driveway/parking/turning areas prior to first use of the development and secondly, the proposed visibility splays shall also be provided prior to and maintained for the life of the development.

13. **Birchover Parish Council: Objects**

2nd response 27/02/26:

'This statement aspires to protect Birchover's green spaces and this plot is considered to be one of those green spaces. The area falls outside the main nucleus of the village as described in the Peak Park Development Plan. If planning permission is agreed this would set a precedent with resulting ribbon development along the road losing more of the green character of this particular stretch of road.

There are still major concerns regarding parking and road safety. The majority of the houses on this road do not have off-road parking and those further down, beyond the bend, have parking at the rear, usually just for one vehicle, not at the front of the houses. It is likely that the 6 parking spaces shown would not be enough for the residents of the houses/flats. If the 4 units each have 2 people in them, it is likely that

each will have a car making eight. Two more for on street parking. Where will visitors park, probably on the road. In summer, visitors also park in this area making the problem worse. The road at this point is not capable of taking any more parked cars on the roadside.

There will be an increase in the number of delivery vehicles (both parcel and supermarket deliveries) and on bin day refuse vehicles would park in the entrance to the properties causing congestion on the road. This road is used by buses, tractors and quarry traffic, visibility is sometimes reduced by parked cars on this side of the road towards the bend. Also, there is no pavement so pedestrians could be at risk. There is also still a query about where bins would be left on bin days for emptying as there is no pavement outside the properties. DCC Highways did highlight this issue in their response to the planning application June 2025.

The question of the 50m visibility to the bend is also disputed. It may be so for someone standing, but in a car, lower down, this is not so. Also, anyone driving out of the site will have to venture into the road to be able to see what is approaching from either direction.

This is an entirely different proposal to the original and the change to detached properties to be built is totally out of character with other housing in the area mainly terraces and small semi-detached cottages.

Concerns were raised about how the land outside of the development area will be maintained even with access. Will it remain an area of unkept waste land?

The Council reiterates that it is not opposed to the building of affordable housing, but does not see this site for the proposed detached properties as suitable or fitting for this area of the village.

The decision of the Parish Council not to support this application was not unanimous, but a majority decision. There was one member in attendance who was in support of the application who I understand has submitted an individual letter of support.

1st response 02/07/2025: Objection

A number of concerns were raised including

- Errors or lack of information on the application form
- Design and layout that would not be in-keeping with other dwelling on the Miers and in the village
- The development would cause the loss of a green space
- Harmful impact on road safety
- Queries were also raised about how the homes would be heated, the impact on adjacent trees and risk of surface water flooding.

Officer comment: Concern was also raised that the development if approved could also set a precedent that would result in other spaces along the Miers being developed. It should be highlighted that any potential future applications would be considered on their own merits. It is not the case that an approval for one application creates a binding precedent for any future applications.

14. Tree Officer: No Objection subject to conditions

(Tree Officer was consulted again following receipt of amended plans but confirmed he had no additional comments to make)

“Three trees are apparent when viewing online imagery for this site. Two are on the western boundary – they appear to be a cherry and a copper beech. They are distant from the build footprints, but they may be under neighbouring ownership and it is therefore appropriate that any planning condition identifies tree protection measures

(fencing) to ensure their root areas and ongoing health prospects are not affected. The same applies to an ash tree within site – this may succumb to Ash Dieback, but a few ash are resistant to the disease. A planning condition for this is proposed.

The soft landscaping scheme should account for the need to avoid damaging retained tree's rooting areas. It should include new trees, whose planting and retention should be secured via planning condition..."

15. Ecology: No objection subject to conditions

BNG – 'It is accepted that the BNG condition can be fulfilled by purchasing off site units, detail of which are required to be provided within the Biodiversity Gain Plan to be submitted and approved prior to commencement, along with a completed BNG metric that satisfies the Trading Rules'.

Protected Species – '...All mitigation and enhancement measures detailed in Section 4.3 of the Ecology and BNG Assessment by Dunelm Ecology (May 2025) to be conditioned an adhered to'

The Authority's Ecologist recommended a further condition to secure additional benefits which would be detailed in a plan to be submitted and approved by the PDNPA. This plan would show the delivery of integral bat roosting and integral Swift Bricks and House Martin Nests within buildings and hedgehog provision.

16. Derbyshire Dales District Council Rural Housing Enabler: Supports

Rented units

'If the units are to be delivered as rented, we would need to see the unit types reflect the housing needs of households that are eligible to occupy the properties based on the Peak Park's local connection requirement.

The attached Housing Needs Statement demonstrates evidenced need from July 2025 which shows a need for 1 and 2 bed accommodation across Birchover and adjoining parishes for older people via the housing register.

We are therefore supportive of the 1 x 2 bed flats on the proposed scheme but would prefer for the remaining 2 units to be delivered as either:

- 1 x 1 bed bungalow and 1 x 2 bed bungalow*
- 1 x 2 bed house and 1 x 2 bed bungalow.*
- 2 x 2 bed bungalows*

There is no cascade system that can be applied for first occupation of new affordable housing units as per Peak Park planning policy so it is essential the units reflect the identified need of the settlement to avoid properties being sat void due to a lack of eligible occupants.

However, it is to be noted that no Housing Needs Survey has been conducted in Birchover and as is usually the case, Housing Needs Surveys uncover a higher level of housing need than is 1 evidenced via the housing register. It is possible that a Housing Needs Survey could support the need for a 3 bed property on the scheme'.

Discounted market sale

'The proposed mix looks to be appropriate for discounted market sale units, in the sense that the Peak District National Park will always be a popular location for people to buy homes at a reduced rate.

DDDC Housing however has concerns over the limited number of households that may meet the eligibility criteria and be able to occupy the properties (i.e. they will have to be in housing need and meet the local connection criteria).

Discounted market sale units with a 20 – 30% discount for example can still be very expensive and unaffordable for households on more modest incomes, of which is the case for many households in need.

DDDC are responsible for assessing housing need, and have found in the past with other schemes in the Park containing DMS units, that often, the majority of households that can afford these properties already have a substantial level of equity which means they are therefore not classed as being 'in need' according to our allocations policy.

Essentially, a significant level of equity can be used to purchase properties at open market prices in many areas of Derbyshire Dales. Unless households have a need to live in the specific location, i.e. Birchover, based on a requirement such as to support a family member and don't have a vehicle to live elsewhere and travel, we would not assess them as being in housing need, and therefore they are not eligible to purchase the property.

To combat this, a significant discount would need to be applied to the DMS units to ensure affordability for households that are classed as being 'in need', however it's understood this may not make the scheme viable for the developer'.

Space Standards

DDDC would also expect minimum floor areas of new affordable houses to be 90% of Nationally Described Space Standards (NDSS).

Representations

17. The Authority has received 24 letters of objection from 18 objectors. The material planning reasons given are summarised below. The letters can be read in full on the Authority's website:

- The site lies outside the defined Birchover settlement boundary, conflicting with policies DS1, DMH1 and DMH2.
- Development would harm the open, rural character of The Miers, which forms an important visual approach into the village.
- Four dwellings plus a large parking area viewed as too intensive for a small plot and out of character with the other properties on the road
- Flats considered out of character with The Miers (traditionally single dwellings/terraces).
- Loss of agricultural land
- Overlooking of rear gardens and loss of privacy
- Noise and disturbance
- Overshadowing impacts
- Construction traffic and disruption
- Lack of evidence for Local Housing Need
- Site is not sustainable due to limited bus services and the village's limited range of shops and services
- The proposed access is close to a blind bend on a steep hill, with limited visibility.
- Road is already narrow and congested with insufficient on-street parking available which becomes particularly acute in the summer months

- Impact on drains within application site with the potential to effect drainage of properties above and below site.
 - An historic water system of old clay pipes runs under the site feeding a well and reservoir used for domestic and land management purposes. The development risks damaging these features
 - Land frequently becomes waterlogged with concern that hard surfacing and removal of existing ditch could worsen flooding.
 - Risk to trees adjacent to site
 - Development would result in habitat loss and fragmentation
 - Limited consideration of ways to reduce carbon footprint
18. The Authority also received 12 letters of support from 11 people. The material planning reasons given are summarised below:
- Aid the viability of local services including the local school, shops and pubs
 - Would provide much needed affordable housing
 - The proposal provides a mix of 1-bed, 2-bed and 3-bed homes, which better reflects current identified local needs.
 - The land where the houses are planning to be is overgrown and would benefit from being developed as proposed
 - No adverse impact on the landscape character of the area
 - Appropriately sized homes to provide genuine affordable homes
 - Sympathetic with the architectural heritage of the area
 - Changes have sought to take on board initial objections
 - Energy efficient and eco-friendly
19. Finally, the Authority received 1 letter neither objecting or supporting and a further 3 letters submitted by the applicants in which they restated their case/sought to rebut some points raised by objectors.

Main Policies

20. Relevant Core Strategy policies: GSP1, GSP2, GSP3, GSP4, DS1, L1, L2, L3, CC1, CC5, HC1, T3 & T7
21. Relevant Local Plan policies: DM1, DMC1, DMC3, DMC4, DMC5, DMC11, DMC12, DMC13, DMC14, DMH1, DMH2, DMH3, DMH11, DMT3 & DMT8
22. Supplementary Planning Documents:
Climate Change and Sustainable Building (2013)
Design Guide (2007)
Building Design Guide (1987)

Wider Policy Context

23. National Park designation is the highest level of landscape designation in the UK. The Environment Act 1995 sets out two statutory purposes for national parks in England and Wales:
- Conserve and enhance the natural beauty, wildlife and cultural heritage
 - Promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public

National Planning Policy Framework (NPPF)

24. In the National Park the Development Plan comprises the Authority's Core Strategy 2011 and the Peak District National Park Development Management Policies document 2019. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. There is no significant conflict between policies in the Development Plan and the NPPF.
25. Paragraph 189 of the NPPF states: Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

Assessment

Principle

26. Core Strategy policy HC1 states that provision will not be made for open market housing but exceptionally new housing can be accepted where it addresses eligible local needs for homes that remain affordable with occupation restricted to local people in perpetuity. Policy DS1 states that in or on the edge of named settlements, new build development would be acceptable for affordable housing. DMH1 of the Development Management Plan following on from DS1 reiterates that affordable housing will be permitted in or on the edge of DS1 settlements provided need is evidenced and that the homes are within the stated size thresholds. DS1 settlements of which Birchover is one are the most sustainable settlements within National Park when their location, size and function, range of services and/or ease of access to services by public transport, and their capacity for new development is considered.
27. The policies referenced above are consistent with the National Planning Policy Framework (NPPF) which gives great weight to conservation of National Parks. The National Parks Circular (2010), incorporated by the NPPF, makes clear at paragraph 78 that "*The Government recognises that the Parks are not suitable locations for unrestricted housing and does not therefore provide general housing targets for them. The expectation is that new housing will be focused on meeting affordable housing requirements, supporting local employment opportunities and key services.*"
28. Birchover is a nucleated settlement set largely along Main Street; the application site and the adjacent houses are physically separated from the core of the settlement by a thick wood which serves as the physical marker of Birchover's edge. Given the separation from the core of the settlement, it is considered that site would be both outside of Birchover and just beyond its edge and so a proposal for affordable housing on this plot would be a departure from policies DS1 and DMH1. In assessing the weight to give to this conflict with DS1 and DMH1, it is however important to highlight that the site would be an infill plot within a cluster of homes only 40m from the northern boundary of the Conservation Area, a short walk from the centre of the village and would not be an isolated site in the open countryside with a limited physical connection to Birchover. The site would also be nearby a bus stop which provides a daily bus service between Bakewell and Matlock.
29. Policy HC1 sets exceptions when housing can be permitted. This site is an agricultural field and not previously developed land. There is no argument that the proposed development is required either to meet the needs of rural enterprise(s) or required to conserve or enhance Birchover. Therefore, housing could only be acceptable in principle if it were affordable housing to meet eligible local needs in accordance with policy HC1 and the relevant Development Management Plan policies.

30. The application proposes 4 dwellings, all of which would be affordable to meet local need. The development proposes a mix of housing following the publication of the Housing Needs Statement for Birchover (2025) by Derbyshire Dales District Council (DDDC) as Housing Authority. The supporting text of DMH1 is clear that the starting point for establishing local housing need is via an up to date housing survey, however the text goes on to say *“Housing need in rural areas is however difficult to gauge because the housing need is often hidden and some people are not registered as being in housing need. Therefore, the Authority encourages and supports any other methods of community engagement undertaken by housing bodies that helps establish genuine housing need. Housing Authorities use a series of questions to assess claims of housing need”*.
31. The Housing Needs Statement supplied by data supplied by DDDC is considered sufficiently robust to support a scheme for affordable homes in the parish of Birchover. The Statement shows that in adjoining parishes *“Altogether, there are therefore 6 households in housing need that meet the eligibility criteria in the first instance to occupy new affordable housing in Birchover”*. The households in need were identified as 4 single people, 1 couple and 1 couple and adult. This planning application has been amended during its course to now propose a mix of dwellings which better responds to this identified need. Initially, the application proposed 4x3 bedroom units at approximately 97sqm whereas the development would now see 2x1 bedroom flats with a floor area of 38.7sqm each, 1x2 bedroom house with a floor area of 69.56sqm and 1x3 bedroom house with a floor area of approximately of 96.8sqm. The 2 and 3 bedroom dwellings would be larger than the identified need, however, then Development Management Practice Note for Policy DMH1 is clear that *‘Couples or two people forming a household together can apply for homes up to 70m²’* and *‘Families or people forming a household together of 3 or more, can apply for homes up to 97m²’*. It is therefore considered that the size of the dwellings would respond to the need identified in the Housing Needs Statement while incorporating the flexibility on house sizes allowed under the Practice Note. Moreover, it is to be noted that no Housing Needs Survey has been conducted in Birchover and as is usually the case, Housing Needs Surveys uncover a higher level of housing need than is evidenced via the housing register. It is possible that a Housing Needs Survey could indeed support the need for a 3 bed property on the scheme.
32. DDDC have commented on the possible tenures for the dwelling with a review of whether the units would be better to be rented or sold at a market discount. They consider that the smaller units could be rented and also state that the overall proposed mix looks to be appropriate for discounted market sale units though raise concern about the viability of the scheme if all units were to be sold at a discount market sale. Discussions are ongoing between DDDC and the applicants about the final tenures for the dwellings that would apply if the application was approved and this would be secured in the S106 agreement. It should be highlighted at this point that the PDNPA is tenure neutral, meaning that the Authority is only concerned whether, given the standards outlined, the accommodation is fit to address the housing need rather than whether the accommodation is for sale or rent. Based on the Housing Needs Statement and the size of the homes now proposed, it is considered that the application would be fit to address local housing need in accordance with Policy HC1. This assessment weigh heavily in favour of the application and is deemed to outweigh the conflict with DS1 and DMH1 with regard to the site’s position beyond the edge of the DS1 settlement of Birchover. Acceptable exception sites for affordable homes across most DS1 settlements are deemed to be scarce (see paragraph 6.38 of DMH1) and the provision of needed affordable homes subject to a review of the layout and design, impact on the landscape, residential amenity, highway safety, biodiversity and flood risk, is therefore supported in this instance in principle.
33. If planning permission were granted for the development, prior entry into a planning obligation under S.106 would be necessary to secure the affordable housing in perpetuity in accordance with the requirements of policies GSP4, HC1 and DMH11 of the Local Plan.

34. In principle such a planning obligation would meet the tests set out at paragraph 58 of the NPPF:
- a. necessary to make the development acceptable in planning terms;
 - b. directly related to the development; and
 - c. fairly and reasonably related in scale and kind to the development.

Landscape

35. The application site is located within the Slopes & Valleys with woodland Landscape Character Type (LCT), a landscape defined as generally “*an undulating pastoral landscape, with a strongly wooded character, defined by hillside woodlands, wooded cloughs, scattered trees along field boundaries and watercourse trees*”
36. It is considered that the scale and siting of proposal would ensure there would not be wide scale landscape impacts to warrant a refusal of the application. The dwellings would not project into the open countryside to the north: the proposed dwellings would instead be approximately in line with the existing outbuildings which serve the terrace to the west and set closer to the highway, further away from the open countryside, than the 4 semi-detached homes to the east. There are no public footpaths within close proximity that would offer views of the site while the site would be screened from distant views by the dense tree plantations to the north, east and west.
37. Development becomes more sporadic as one passes further along the The Miers to the west where open fields predominate, however, the application site by contrast sits within a streetscene already characterised by a cluster of dwellings either side of the highway and so its development would not represent a radical change that would unduly harm its established character. Rather, the proposed dwellings would relate well to this cluster of dwellings as one leaves Birchover and its woodland buffer to the north. The dwellings would infill the space between the dwellings either side and so would not appear unduly prominent or isolated within the landscape. In addition to the 7 dwellings in total that are either side of the site, there is also the large dwelling known as ‘The Miers’ opposite which has an extensive domestic garden and associated paraphernalia. Adjacent to ‘The Miers’ to the west is another terrace of 4 dwellings. In this context, the size and form of the proposed dwellings would appear as modest additions to the area and could be accommodated without harm to the scenic beauty or landscape character of the National Park in accordance with policy L1. Details of design, layout and landscaping are critical in this regard and are considered further in this report.

Layout, design, landscaping and sustainability

38. Where development is acceptable in principle, GSP3 and DMC3 provide clear criteria that a development must comply with to ensure the natural beauty, quality and visual amenity of the landscape are protected.
39. The detailed design of the dwellings has been informed by the Authority’s Design Guide following discussions with officers. The dwellings would be constructed from local gritstone walls and blue slate roofs which would be appropriate for Birchover. The gable widths of the dwellings have been reduced and would now vary from between 5.3m and 6.5m compared to in excess of 10m deep as originally proposed. The frontages have been elongated and the roof pitches reduced while eaves height would be no more than 5m. These dimensions would cumulatively ensure the dwellings would be in-keeping with the dimensions of the traditional built form of Birchover and avoid an unduly, suburban, ‘boxy’ appearance. The dwellings would appear balanced including the arrangement of their fenestration and would appear well-proportioned within the wider streetscene. The dwellings would moreover have a high solid to void ratio, with the walls of the homes

dominant, and openings distant from corners again in accordance with the Authority's Design Guide.

40. The introduction of car parking ahead of the frontages would not cause visual harm and would not be in-keeping with the largely verdant frontages visible within the streetscene, though parking spaces ahead of dwellings in the streetscene are not uncommon. Though as will be discussed, it is not considered that parking pressures on the street would warrant refusal of this planning application, it is also not considered practical for the entirety of the parking demand from this development to be served by on-street parking; such an approach would furthermore result in non-compliance with the parking standards as outlined in Appendix 9 of the Development Management Plan. As an alternative, parking to the rear of the properties would result in hardstanding and parked cars projecting beyond the relatively linear form of the proposed and existing properties and urbanising the site's edge as it transitions to the open countryside to the west thereby causing greater visual and landscape than the layout currently proposed. It is considered that subject to the retention of the existing stone boundary walls (though subject to being rebuilt and set back), an appropriate hard surfacing material and soft landscaping to soften its edges of, the car parking area as proposed would not be sufficiently harmful to refuse this planning application.
41. There is limited tree coverage to the north side of The Miers with just two trees outside the application site to the western boundary consisting of a cherry and a copper beech and a single Ash tree to the north on land within the ownership of the applicant but outside of the red line of the application site. The Authority's Tree Officer has been consulted and concluded that the trees would be distant from the build footprints but it would be appropriate for a condition to be added so that tree protection measures are put in place. In addition, a soft landscaping condition would be imposed to secure new hedgerow and tree planting so as to deliver visual enhancements and biodiversity gain.
42. All the proposed dwellings would be built with solar photovoltaic panels to the south roofslope to maximise solar gain while ensuring they would not be visible from the open countryside to the north. A condition would be imposed so that the panels are integrated within the roofslope. The application proposes that the proposed dwellings would be constructed to high energy efficiency standards, water efficiency and meet the requirements of building regulations in terms of the conservation of heat and power. Subject to condition which requires the submission, approval and implementation of a detailed scheme of measures to mitigate the effects of and adapt to climate change, the development would accord with policy CC1.
43. It is concluded that subject to the conditions, the layout, design, landscaping and sustainability would be acceptable and comply with policies GSP3, DMC3 and CC1.

Residential Amenity

44. GSP3 states that in assessing new development, consideration must be given to the impact on living conditions of communities. DMC3 requires particular attention to be paid to protecting the amenity, privacy and security of the development and other properties that the development affects.
45. The blank gable of the proposed 3-bedroom property would be approximately 10.8m from the side elevation of Wyngate to the west while the blank gable of the flats would be approximately 12.2m from the side elevation of Park View to the east. These separation distances would ensure there would be no overbearing or overshadowing impacts on any of their habitable room windows. Furthermore, as stated, the gable ends of the dwellings to the western and eastern edge of the application site would be blank so there would be no overlooking of the adjacent neighbouring properties from the proposed dwellings. Within the site itself, the 4 dwellings would be arranged in a largely linear form and this

layout would mean no undue overbearing, overshadowing or overlooking impacts on any of the new homes.

46. The floor areas for the flats would be nominally under the National Space Standards but would be within the maximum areas allowed under DMH1 as would the 2 and 3 bedroom homes. The 4 homes would all have private rear gardens that would be proportionate to the size of the dwellings and large enough to accommodate the needs of future occupiers.
47. Regarding impacts on residential amenity, the proposal would therefore comply with policies GSP3 and DMC3.

Highway safety

48. The site would be accessed from The Miers with the proposed access wide enough to allow vehicles to pass. The latest site plan shows that 50m visibility splays would be achieved subject to the stone wall being set back and this distance would surpass the splay required for a road subject to a 30mph speed limit. The hardstanding area ahead of the dwellings would allow sufficient space for the manoeuvring of vehicles within the site and the parking spaces would be adequately sized for modern vehicles.
49. The Local Plan states that for the number of bedrooms proposed, there should be a minimum of 6 car parking spaces plus 1 space for visitors. The application would provide 6 off-road parking spaces and therefore meet the needs of future occupiers; the shortfall of just one visitor space would not cause a severe impact that would impair the free flow of traffic along the highway. Derbyshire County Council Highways highlighted that the parking provision would in fact surpass DCC's own Parking Guidance for New Developments which requires a minimum of 5 spaces for a development of this size.
50. It is noted that a number of objectors have raised concern about on-street car parking and make reference to this being an ongoing problem. DCC Highways raised no objection to the proposal on these grounds. The NPPF (paragraph 116) is clear that development should be refused on highway grounds only if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe. There is insufficient evidence to demonstrate that on-street car parking has been having a severe impact on the road network and that this planning application would exacerbate such impact. The proposed development as stated would be mostly served by off-street parking and though the access would have to be kept clear, the Miers is a long road along which there are no yellow lines and extensive stretches where parked cars would not obstruct accesses so it is considered that there is capacity to absorb any on-street car parking that may be displaced by the creation of a new access. Finally, though officers do not dispute that there may be occasions during the summer months when there are an increased number of cars parked along this section of The Miers, it is the case based on officer site visits, historic photographs and absence of data from the Highway Authority to the contrary that there is not excessive and dangerous parking on a regular basis throughout the year.
51. The additional trip generation from the 4 homes would be small and would not cause severe impacts on the operation of the local highway network.
52. The refuse collection would operate by residents bringing their bins forward to the kerbside. The distances between the dwelling and kerbside as shown on the latest plans would not be beyond acceptable limits either for residents or for bin operatives. DCC Highways confirmed that they agree with this assessment though would ask for one bin collection point to be provided so that future occupiers do not bring their bins to multiple points along the highway. This request is considered reasonable and a condition would be imposed so that prior to occupation, detail of the bin collection point would be submitted for approval to the PDNPA.

53. Overall, it is considered that the proposed access would be safe and the number of parking spaces would be acceptable. The development would have no undue impacts on highway safety or the operation of the wider highway network and therefore complies with policies T3, T7, DMT3 and DMT8.

Ecology

54. The application is subject to the requirements of statutory Biodiversity Net Gain (BNG) and is supported by an Ecological report and BNG assessment and metric.
55. The site comprises of mostly modified grassland in good condition with patches of tall forbs in poor condition, artificial unvegetated unsealed surface and developed land with a baseline of 0.69 habitat units. All habitat types are of very low – low distinctiveness. 0.038 ha (0.0.073 habitat units) of vegetated garden and 0.082 ha of developed land would be created as a result of the proposals.
56. Proposals to achieve net gain as part of the development would be limited to vegetated gardens. Vegetated gardens although contributing to the overall BNG score cannot be legally secured and as such the overall net unit change would be -0.62 habitat units. The deficit is proposed to be fulfilled by purchasing off-site units from a local registered habitat bank. It is accepted that due to the small size of the site which includes hardstanding and private gardens as well as the homes themselves there would be limited scope to secure a 10% net gain on site and therefore the purchase of off-site units would be acceptable.
57. No evidence of bats was recorded on site. The ecology report identified that the site offers suitable habitat for foraging mammals (e.g. badger, hedgehog) and reptiles, however, it was thought the likelihood of reptiles being present was low. There would be opportunities to enhance the site for wildlife; and particularly given BNG cannot be fulfilled on site, the creation of habitats for wildlife would welcome as detailed within Section 4.3 ecology report by Dunelm Ecology which would be secured by condition. The Authority's Ecologist has recommended a further condition to secure additional ecological enhancements including integral bat roosting and integral Swift Bricks and House Martin Nests within buildings along with hedgehog provision throughout the development.
58. Subject to conditions, the application would achieve statutory BNG requirements and comply with policy requirements set out in DMC11 and the NPPF. It is also concluded that the development would not harm protected species or their habitat and provide additional biodiversity enhancement measures. The application would therefore be in accordance with policies L2, DMC11 and DMC12 of the Local Plan.

Flood risk and drainage

59. The whole site lies in Flood Zone 1. In accordance with the proposed development being deemed as 'more vulnerable'; Planning Policy Guidance considers More Vulnerable uses within Flood Zone 1 as being appropriate. The Exception Test is not required.
60. The application site is not within an area at risk of surface water flooding according to the Environment's Agency's data. During the application, the applicant has submitted a drainage statement in which the proposal would include a soakaway to be installed to the south-east corner, the lowest part of the site. The exact specification of the soakaway would be dependent on investigation of the sub-soil and general level of groundwater. To ensure the soakaway would provide a suitable surface water drainage solution, a pre-commencement condition would be added that requires a detailed surface water scheme to be submitted and approved by PDNPA.

61. A number of objectors have raised concern about the loss that there is an existing gravel filled drainage ditch near the front of the site where the car parking area would be located. It is stated in the submitted drainage statement that it is proposed for this ditch to be re-excavated and a perforated drainage pipe installed in an aggregate filled trench which it is considered would be more effective in allowing water to empty out into the soakaway.
62. Foul drainage would be disposed of to the existing main sewer under The Miers.
63. There is no in-principle concern with the surface water drainage strategy proposed though the imposition of the pre-commencement condition referred to above would be necessary. Subject to compliance with this condition, the proposal would not be deemed to represent an undue drainage risk and would comply with policies CC5 and DMC14.

Planning balance and conclusion

64. The Authority has no requirement to demonstrate 5-year housing land supply. There is no requirement to deliver housing in the National Park to meet market demand and there is no conflict between the Authority's housing policies and the NPPF. The 'tilted balance' or presumption on favour of sustainable development therefore does not apply and full weight should be given to the Authority's policies.
65. The application proposes development of the site for 100% affordable housing in accordance with policy HC1 which supports such housing where it addresses eligible local need. It is considered that the size of the dwellings would respond to the need identified in the Housing Needs Statement while incorporating the flexibility on house sizes allowed under the DMH1 Practice Note. The development would make a significant contribution to the established local need for affordable housing and this would outweigh the conflict with DMH1 and DS1 due to the site's location beyond the edge of Birchover. It should be reiterated that the site is only be a short distance from the services on offer within Birchover and would not be considered an isolated, unsustainable location.
66. The application has demonstrated that a development of this scale and location can be accommodated without undue harm to the scenic beauty of the landscape or the local streetscene.
67. The design, scale and layout of the development would be judged to be of a generally high quality and appropriate for the context of the site and its surroundings. The development could be accommodated without any unacceptable impacts upon the amenity of neighbouring properties or highway safety. It is also considered that subject to conditions, there are no in-principle reasons why the development would not comply with technical requirements relating to BNG, flood risk and drainage.
68. It is therefore concluded that the benefits of approving the development outweigh the conflict with policies DS1 and DMH1 identified. All other matters that have been raised have been considered but do not indicate that permission should be refused. Therefore despite the identified conflict, officers consider that a recommendation of approval is reasonable in this case based on the overall merits of the scheme.
69. The application is recommended for approval subject to prior entry into a S.106 planning obligation and planning 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

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