PLANNING STATEMENT

PROJECT NUMBER: 103-495
LANGCROFT DEVELOPMENTS LTD

LAND TO THE WEST OF THORNHILL AVENUE,
BELPER, DERBYSHIRE

NOVEMBER 2026

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1 INTRODUCTION

1.1 rg+p has been instructed by Langcroft Developments Ltd ('the Applicant') to prepare and submit a reserved matters application to Amber Valley Borough Council ('the Council'). This application seeks approval of the reserved matters (appearance, landscaping, layout and scale) pursuant to outline planning permission reference AVA/2022/0749, approved on 2nd February 2024, for land to the west of Thornhill Avenue, Belper, Derbyshire ('the site').

1.2 Specifically, this reserved matters application seeks:

> *"Approval of reserved matters (appearance, landscaping, layout and scale) for the construction of 14no. dwellings with associated landscaping, highway and infrastructure, pursuant to outline planning permission reference AVA/2022/0749."*

1.3 For reference, the outline planning permission (ref. AVA/2022/0749) was granted to Mr Ian Ferguson for the following description of development:

> *"Outline planning application for the construction of up to 14 dwellings and associated access arrangements from Thornhill Avenue."*

1.4 The purpose of this Planning Statement is to provide the Council and relevant stakeholders with supplementary information to assist with the consideration of the reserved matters submission. This statement sets out how each of the reserved matters (appearance, landscaping, layout and scale) for which approval is being sought complies with the parameters and objectives established by the outline planning permission and its associated conditions.

1.5 This Planning Statement should be read in conjunction with the completed applications forms and the following submitted plans, which are proportionate to the reserved matters for which approval is sought, and the conditional requirements of the outline planning permission which are to be discharged through separate applications in due course.

- Application drawings (prepared by rg+p):
    - 103-495 -RGP-XX-XX-DR-A-PL001-P10 Proposed Site Layout
    - 103-495 -RGP-XX-XX-DR-A-PL002-P01 Site Location Plan
    - 103-495 -RGP-XX-XX-DR-A-PL003-P03 Boundary Treatment Plan
    - 103-495 -RGP-XX-XX-DR-A-PL004-P04 Street Scenes
    - 103-495 -RGP-XX-ZZ-DR-A-HT001-P05 2x3B5P v2 Side Window Housetype
    - 103-495 -RGP-XX-ZZ-DR-A-HT002-P04 2x3B5P Housetype

    - 103-495 -RGP-XX-ZZ-DR-A-HT003-P03 2x3B5P Corner Housetype
    - 103-495 -RGP-XX-ZZ-DR-A-HT004-P05 4x3B5P Housetype
    - 103-495 -RGP-XX-ZZ-DR-A-HT005-P03 2x3B5P v2 Housetype
    - 103-495 -RGP-XX-ZZ-DR-A-HT006-P03 2x3B5P Side Window Housetype
- Landscape Proposals (prepared by ISL Associates):
    - 26.2101.001A - Detailed Landscape Proposals
- Tracking Drawing (prepared by Farrow Walsh)
    - 2630-FWL-ZZ-ZZ-DR-C-9009_A01 - S38 Refuse Tracking

2 SITE AND SURROUNDINGS

2.1 The application site is located to the west of Thornhill Avenue, Belper, Derbyshire, approximately 1km south-east of the centre of Belper. The irregularly shaped parcel of land totals approximately 0.44 hectares in area and lies within the built framework of Belper as defined by the Amber Valley Borough Local Plan Policies Map and the Built Framework Map contained within the Neighbourhood Plan for Belper.

2.2 The site is bounded to the east by Thornhill Avenue, which runs in a north to south orientation and forms a clear, hard boundary along the site's eastern edge. To the north, the site is enclosed by Thornhill Avenue and Elm Avenue, with four semi-detached cottages immediately adjacent to the northern site boundary. To the west, the site is bounded by Park Road, whilst to the south, Bargate Road and the Herbert Strutt playing fields form the wider southern extent of the locality.

2.3 The site itself is predominantly flat and comprises a mixture of hardstanding and dense bramble scrub. The northern proportion of the site is characterised by remnant hardstanding, consistent with its historical use as a former coal yard, whilst the southern proportion is dominated by dense bramble scrub. Both pedestrian and vehicular access to and through the site is currently achievable, with vehicular access from Park Road to the south-west serving the four semi-detached cottages immediately to the north of the site, enabling residents to park within proximity of their principal elevations. Two Public Rights of Way – Belper Footpaths 96 and 97 – dissect the site along the eastern and western edge of the site respectively and are to be retained as part of the development.

2.4 The site is not subject to any statutory heritage designations and does not fall within a Conservation Area. There are no listed buildings, tree preservation orders or Scheduled Ancient Monuments on or adjacent to the site. The site does, however, lie within the buffer zone of the Derwent Valley Mills World Heritage Site, which is a material consideration. The site is identified as being within Flood Risk Zone 1 and is not located within designated Green Belt.

2.5 An Arboricultural Impact Assessment and Arboricultural Method Statement was submitted in support of the outline planning application and forms one of the approved documents associated with the outline planning permission under Condition 3. The survey recorded the details of 10 individual trees, 7 tree groups and 1 section of hedgerow. No trees were assigned to Category A (high quality). One tree was assigned to Category B (moderate quality), and the remaining trees, groups and hedgerow were assigned to Category C (low quality). No trees were identified as unsuitable for retention (Category U). The removal of a number of Category C trees, groups and a short section of hedgerow was identified as necessary to implement the proposed development, with all Category B and retained trees to be protected in accordance with the approved Arboricultural Method Statement throughout the duration of the construction works.

2.6 A Preliminary Ecological Appraisal submitted in support of the outline planning application identified the site as having potential to support a number of protected and notable species, including nesting birds, hedgehog, common lizard, bats and badger. The site is not located within or in close proximity to any designated sites for nature conservation, and no statutory or non-statutory ecological designations are present within or immediately adjacent to the site.

2.7 The village of Belper benefits from a wide range of services and facilities, including schools, shops, healthcare facilities, public houses and public transport connections. The site therefore benefits from a highly sustainable location within the built framework of an established town, with good access to services and facilities by means other than the private car, consistent with the sustainability credentials established through the grant of outline planning permission.

3 PLANNING HISTORY

3.1 Research into historic planning decisions taken by Amber Valley Borough Council in relation to the site has been undertaken. This confirms the progression of the outline planning application and the subsequent grant of outline planning permission, pursuant to which this reserved matters application is submitted.

3.2 The outline planning permission (ref. AVA/2022/0749) was granted on 2nd February 2024, subject to 23 conditions and a Section 106 Agreement dated 19th January 2024 between Amber Valley Borough Council and Ian Ferguson, Alison Leigh Ferguson and Nicholas McLeod. The Section 106 Agreement secures the following principal planning obligations, of which the provision of affordable housing is discussed further in Section 9 of this Statement:

- A Biodiversity Contribution of £12,020 to be paid to the Council prior to the commencement of development, to be applied towards the management and enhancement of grassland habitats within the Belper Parks Local Nature Reserve;
- An Off-Site Public Open Space Contribution, calculated as the number of dwellings approved through the reserved matters application, multiplied by £1,775.80 per dwelling, to be paid prior to the occupation of more than 50% of the dwellings and to be applied towards the enhancement and improvement of Manor Recreation Ground/Belper Parks Local Nature Reserve; and
- The provision of 4no. affordable Dwellings, comprising 2no. Social Rented Housing and/or Affordable Rented Housing and 2no. First Homes, to be delivered in accordance with an Affordable Housing Scheme to be approved in writing by the Council prior to commencement of development.

3.3 Condition 1 of the outline planning permission requires that an application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of the permission, i.e. before 2nd February 2027. The current reserved matters application is therefore submitted within the required timescale.

3.4 The approved outline planning permission provides a useful material consideration against which to judge this reserved matters submission, confirming the acceptability in principle of the following matters:

- Principle of residential development on the site
- Access arrangements (approved at outline stage via the formation of a new vehicular access to Thornhill Avenue)
- Highway safety and sustainability of the location
- Ecology and biodiversity impacts

- Heritage and setting of the Derwent Valley Mills World Heritage Site buffer zone
- Arboricultural impacts
- Drainage and flood risk
- Land contamination
- Affordable housing delivery
- Infrastructure contributions

4 PRE-APPLICATION ENGAGEMENT

4.1 Prior to the submission of this reserved matters application, the Applicant and rg+p engaged with Officers of the Council on a range of matters relevant to the preparation of the reserved matters submission, in a proportionate manner consistent with Policy DM1 of the NPPF (2026) which confirms that:

> *"1. Proposals for major development should:*
>
> *a. Be informed by early engagement with neighbours and the local community, as well as with the local planning authority, statutory consultees, infrastructure providers, registered providers of social housing and other relevant bodies where appropriate, to identify and seek to resolve key planning matters prior to the submission of a planning application. This pre-application engagement should be proportionate to the nature of the proposal and those likely to be affected by it"*

4.2 These forms of pre-application engagement are summarised as follows:

- Affordable Housing Deviation - as noted throughout this Statement, the reserved matters scheme comprises 14no. affordable dwellings of a rented tenure. As this deviates from the aforementioned obligation to specifically deliver 4no. affordable dwellings, comprising 2no. Social Rented houses and/or Affordable Rented houses and 2no. First Homes, it will be necessary to apply for a Deed of Variation to the agreed Section 106 Agreement. Prior to submitting this application, the Applicant has engaged directly with the Head of Housing, Growth and Sustainability at AVBC who has confirmed support for such amendment to the Agreement. A Deed of Variation will therefore be progressed in tandem with this reserved matters application.

- Discharge of Conditions - rg+p, on behalf of the Applicant, had engaged with the Planning Manager at AVBC to confirm the acceptability of discharging planning conditions through the submission of this reserved matters application. The Officer confirmed that the Council's preference is that reserved matters and discharge of condition submissions are made as separate applications, notwithstanding the relevance between the content of both submissions. Accordingly, the Officer engagement has informed the form and content of this application, which is proportionate to the reserved matters for which approval is sought, and the conditional requirements of the outline planning permission (as listed in Section 8) being discharged through separate applications in due course.

5 PROPOSED DEVELOPMENT

5.1 This reserved matters application seeks approval of details of appearance, landscaping, layout and scale for a scheme of 14no. dwellings on land to the west of Thornhill Avenue, Belper, pursuant to outline planning permission AVA/2022/0749.

5.2 The proposed development comprises 14no. affordable dwellings of a rented tenure. An Affordable Housing Scheme providing full details of the affordable housing provision – including the location, house types, mix, specification, tenure and occupancy criteria for the dwellings – will be submitted to and approved in writing by the Council prior to the commencement of development, in accordance with the requirements of the Section 106 Agreement. This notwithstanding, it should be noted that the reserved matters application is to be considered alongside an application for a Deed of Variation to the Section 106 Agreement, to enable the delivery of an all affordable scheme, of a rented tenure. This is set out in more detail at

5.3 For the avoidance of doubt, this Planning Statement serves simultaneously as the Affordable Housing Statement required under the relevant validation criteria for reserved matters applications.

5.4 The submitted site layout has been prepared to demonstrate how the site can accommodate 14no. dwellings within the parameters established by the outline planning permission and consistent with the indicative layout (drawing ref. 1797 002) and approved access arrangement (drawing ref. VC0000 001) of the outline planning application.

5.5 The layout provides 3-bedroom properties of 2 storeys in height. Parking provision has been calculated at two vehicular parking spaces per dwelling. The layout also retains the existing vehicular parking arrangement for the four semi-detached cottages immediately adjacent to the northern site boundary, formalising this provision as part of the scheme.

6 PLANNING POLICY CONTEXT

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the relevant development plan documents for the Borough are:

- Amber Valley Borough Local Plan (adopted March 2026)
- Neighbourhood Plan for Belper (made 2021)

6.2 The following policies contained within the Amber Valley Borough Local Plan 2026 are relevant to this reserved matters application:

- Policy SS1: Presumption in favour of Sustainable Development
- Policy H1: Housing Development Within and Adjacent to Urban Areas & Key Villages
- Policy H4: Housing Types, Mix & Choice
- Policy H5: Affordable Housing
- Policy H6: Viability for Housing Development
- Policy EN1: Climate Change
- Policy EN3: Flood Risk
- Policy EN4: Heritage Assets
- Policy EN5: Derwent Valley Mills World Heritage Site
- Policy EN8: Biodiversity
- Policy EN9: Biodiversity Gains
- Policy EN11: Derelict, Unstable & Contaminated Land
- Policy EN15: Quality and Design of Development
- Policy IN1: Transport
- Policy IN4: Green Infrastructure, Parks and Open Space
- Policy IN12: Infrastructure Delivery & Developer Contributions

6.3 The following policies contained within the Neighbourhood Plan for Belper Civil Parish 2021 are also relevant to this reserved matters application:

- Policy NPP1: Sustainable Development and Built Framework
- Policy NPP2: Protecting the Natural Environment and Enhancing Biodiversity
- Policy NPP3: Protecting the Landscape Character of Belper Parish

- Policy NPP10: Reducing the Risk of Flooding
- Policy NPP11: Protecting Heritage Assets
- Policy NPP12: Energy Efficiency and High-Quality Design
- Policy NPP13: A Mix of Housing Types
- Policy NPP16: Increasing Cycling and Walking
- Policy NPP17: Increasing the Use of Electric Vehicles

6.4 The NPPF was also very recently updated in August 2026 and is a key material consideration in the context of the provisions of Section 38(6) of Planning and Compulsory Purchase Act 2004.

6.5 It is appropriate to summarise some of the key policies of the new NPPF within this section; however, this is not exhaustive, nor does it need to be at this juncture given the degree of compliance with relevant policies which has already been established in the approval of outline permission by appeal and the Inspector's conclusion that the adverse impacts would not significantly and demonstrably outweigh the benefits.

6.6 The new NPPF maintains that the purpose of the planning system is to contribute to the achievement of sustainable development, by managing the use and development of land in the long-term public interest. Paragraph 17 clarifies that to achieve sustainable development, the planning system should fulfil three overarching objectives: an economic objective, a social objective and an environmental objective.

6.7 The following national decision-making policies of the NPPF are of relevance to the consideration and determination of this reserved matters application:

- *Policy DM1: Preparing Development Proposals* - Proposals for major development should be informed by early engagement with neighbours and the local community, as well as with the local planning authority, statutory consultees, infrastructure providers, registered providers of social housing and other relevant bodies where appropriate, to identify and seek to resolve key planning matters prior to the submission of a planning application. This pre-application engagement should be proportionate to the nature of the proposal and those likely to be affected by it.

- *Policy CC3: Adaptation to Climate Change* - Development proposals should take into account the current and potential impacts of climate change over the lifetime of the scheme, and in order to minimise vulnerability to these impacts should, where relevant to the proposal: incorporate sustainable drainage systems to manage surface water flow rates and reduce volumes of runoff; and use design approaches which minimise risks from overheating and include green infrastructure and suitable tree planting.

- *Policy HO8: Providing Affordable Homes* - Development proposals should meet or exceed up-to-date development plan requirements for the proportion and mix of affordable housing tenures relevant to the location, including the minimum proportion of Social Rent. This should be provided on-site unless certain criteria are met. Where development proposals meet or exceed up-to-date development plan requirements for the proportion and mix of affordable housing tenures, including the minimum proportion of Social Rent properties, a flexible approach should be taken to the application of any development plan requirements relating to the number of bedrooms provided in market homes, taking into account prevailing market conditions.

- *Policy HO13: Build Out of Residential and Strategic Sites* - To significantly boost the supply of homes, it is important that land with permission is developed without unnecessary delay. Proposals for major development involving the provision of housing should be capable of bringing the housing forward within a reasonable period, taking into account the proposed tenure mix for the development, local market conditions (including absorption rates) and the development history of the site.

    - For all proposals involving housing, consideration should be given to whether to impose a planning condition requiring that development begins within a timescale shorter than the relevant statutory default period, where this would expedite the development without threatening its implementation or viability.

- *Policy L3: Achieving Appropriate Densities* - Development proposals should make efficient use of land, taking into account the identified need for different types of housing and other development, local market conditions, the availability of infrastructure (including that supporting sustainable transport modes) and its scope for improvement, a site's connectivity and the importance of securing well-designed, attractive and healthy places.

    - To contribute to making efficient use of land on land at the edge of existing built-up areas which has permission for development (and so will form part of a settlement), development footprints should make the best use of a site's development potential, taking into account the policies of the Framework.

- *DP3: Key Principles for Well-Designed Places* - Development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets. To create well-designed places, development proposals should also reflect relevant aspects of the following principles, as appropriate to the nature of the development and its location: liveability; climate; nature; movement; built form; public space and identity.

- *Policy TR4: Street Design, Access and Parking* - To contribute to creating well-designed places, transport considerations should be integral to the design of development, proposals for which should:
    - Give priority first to walking, wheeling and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating easy access to high quality public transport, with layouts and densities which maximise the catchments for bus or other public transport services;
    - Incorporate or contribute towards appropriate features to support this prioritisation, such as permeable street networks, continuous footways and segregated cycle facilities which are adequately lit, sufficient secure and accessible cycle parking, regularly spaced public seating and good quality waiting facilities for public transport;
    - Ensure that the arrangement of streets and other routes help to create places that are safe, inclusive and attractive for all users (particularly for women and girls, for other groups who may be vulnerable to crime or the fear of crime, and for those with limited mobility).
    - Allow for the efficient delivery of goods, and ease of access by service and emergency vehicles, in ways which do not compromise key place-making principles
    - Provide a suitable number of parking spaces for a range of transport modes where appropriate, reflecting the location and nature of the development (including its connectivity), any locally-set standards in the development plan, and including adequate provision of spaces and infrastructure that allow for the charging of electric vehicles in safe, accessible and convenient locations.
- *Policy TR8: Public Rights of Way* - Development proposals should protect and enhance the network of public rights of way, and take opportunities to extend, link or improve the quality of existing routes where this enables improved access to green spaces and the countryside.
- *Policy F8: Sustainable Drainage Systems and Watercourses* - Development proposals which could affect drainage on or around the development site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, in ways which are proportionate to the nature and scale of the proposal. The systems employed should provide multifunctional benefits where possible, facilitating improvements in water quality, biodiversity and amenity.
- *Policy N2: Improving the Natural Environment* - To contribute positively to the natural environment, and support nature's recovery, development proposals should, inter alia: conserve and enhance existing natural features of visual, historic or nature conservation value (such as established trees

and hedgerows); use appropriate landscaping to help create a well-designed place and integrate the development into its surroundings; use green infrastructure provided as part of the scheme and nature-based solutions to secure multiple benefits, such as for biodiversity, surface water and pollution management (including maintaining flow rates and water quality), climate change mitigation and adaptation, and recreation; and ensure that green infrastructure and other features to support nature are located and designed to minimise risk of future failure, and that appropriate measures are in place for any necessary long-term management.

- *Policy N3: Trees in New Development* - In recognition of the benefits which trees can provide for biodiversity, climate change mitigation and adaptation, and the character and quality of the built environment, development proposals should make new streets tree-lined and incorporate trees in other suitable locations. Proposals should ensure that the selection of species and their placement is compatible with highways and other infrastructure requirements and the needs of different users of public spaces; and will be effective in helping to adapt to the effects of climate change and delivering other environmental benefits. Suitable arboricultural advice should be sought, so that the right trees are planted in the right places.

7 DESIGN AND ACCESS CONSIDERATIONS

7.1 The following chapter explains how the proposed reserved matters are suitable to the site and its setting, having regard to the parameters and principles established through the outline planning permission and the requirements of each reserved matter. This section addresses each of the reserved matters in turn: Layout, Scale, Appearance and Landscaping. It also provides a brief account of Access, which was the only matter formally considered and approved under the outline planning application.

Layout

7.2 The site is located within the built framework of Belper, enclosed by existing residential and commercial development to the north, south, east and west. The proposed layout has been directly informed by the requirements of Condition 2 of the outline planning permission (reserved matters) and the indicative layout demonstrated at the outline planning application stage (Drawing 1797 002), which established the site's capacity to accommodate up to 14no. dwellings at an appropriate density and provided the basis for the access arrangements approved under Condition 14.

7.3 The layout responds directly to the constraints and opportunities presented by the site, in particular:

- the need to retain and accommodate the two Public Rights of Way (Belper Footpaths 96 and 97) running through the site;
- the requirement to formalise the existing vehicular parking arrangement for the four semi-detached cottages immediately to the north of the site;
- the need to respect the Root Protection Areas of the retained trees as established by the Arboricultural Impact Assessment and Arboricultural Method Statement and approved under Condition 3 of the outline planning permission; and
- the requirement to take account of a public combined gravity/lateral drain easement and water main easement which both span the site in a north-site direction.

7.4 The internal road layout provides a clear hierarchy of street and pedestrian footway throughout the development, connecting the residential areas to the site access point on Thornhill Avenue and to the Public Rights of Way network, consistent with the requirements of Policy TR4 of the NPPF and Policy NPP16 of the Neighbourhood Plan. The layout also incorporates the parking provision for the four semi-detached cottages to the north, formalising the existing informal arrangement and improving the overall legibility and function of this separate part of the site.

Scale

7.5 The proposed development comprises 14no. 3-bed/5-person, 2-stoey dwellings, with a marginally larger

house type for 4no. dwellings situated along the southern edges of the site. The scale of the proposed development is considered appropriate to the location, the character of the surrounding built environment and the parameters established by the outline planning permission.

7.6 Policy EN15 of the Local Plan requires new housing development to meet the Nationally Described Space Standards (NDSS), while respecting the character and appearance of the locality and making effective use of land. The proposed units achieve 85% of the NDSS, meeting the relevant threshold for grant funding which is directly applicable in this instance. This level of provision reflects the significant constraints affecting the site, as set out in paragraph 7.3, and is consistent with the parameters of the outline planning permission. Those parameters have been maximised as far as practicable to secure the greatest possible affordable housing benefits for the Borough.

Appearance

7.7 The appearance of the proposed development has been developed to ensure compliance with relevant development plan policies and the applicable design guidance. The proposals also respond to the site's location within the buffer zone of the Derwent Valley Mills World Heritage Site, in accordance with the relevant policies of Local Plan and the Neighbourhood Plan, which place an emphasis on the use of appropriate materials and a design approach that is sympathetic to the historic character of the area.

7.8 The proposed dwellings utilise brick as the principal external facing material, consistent with the established character of the surrounding residential development of varying ages within Belper. The detailing of individual house types has been designed to provide visual interest and variety within the development whilst maintaining a coherent and restrained character appropriate to the urban location.

Landscaping

7.9 The landscaping proposals respond directly to the requirements of Condition 2 of the outline planning permission (landscaping as a reserved matter) and Condition 21 (native species tree and hedgerow planting), as well as the recommendations of the Arboricultural Impact Assessment and Arboricultural Method Statement and the Preliminary Ecological Appraisal submitted with the outline planning. application.

7.10 The landscape strategy provides for:

- Native species tree and hedgerow planting within the site to compensate for areas where trees and scrub have been removed in connection with the development, consistent with the express requirement of Condition 21 of the outline planning permission;
- Retention and protection of the existing hedgerow along Thornhill Avenue, tree TN11 and the group of semi-mature broadleaved trees along the western boundary adjacent to Park Road, as

required by the Arboricultural Impact Assessment and Arboricultural Method Statement;

- Soft landscaping and boundary treatments to the public realm and individual plot boundaries, providing a coherent and attractive landscape setting for the new dwellings; and
- Soft landscaping to shared areas and the retained Public Rights of Way, maintaining safe and legible pedestrian connectivity through the site in accordance with Policy TR8 of the NPPF.

Access

7.11 Access to the site was approved as part of the outline planning permission and is therefore not a reserved matter for the purposes of this application. The approved vehicular access comprises a new highway junction onto Thornhill Avenue, as demonstrated on the approved access drawing (ref. VC0000 001) and subject to Condition 14 of the outline planning permission, which requires the access to be provided with driver's visibility sightlines extending from a point 2.4 metres from the carriageway edge for a distance of 43 metres in both directions measured along the nearside carriageway edge before any operations are commenced.

7.12 The internal road layout connects the residential areas to the site access point on Thornhill Avenue and retains the vehicular access from Park Road to the south-west serving the four semi-detached cottages to the north of the site. The two Public Rights of Way (Belper Footpaths 96 and 97) are retained within the development layout, consistent with the requirements of the outline planning permission and the informative attached to the Decision Notice.

8 PLANNING CONDITIONS

8.1 The outline planning permission AVA/2022/0749 is subject to 23 conditions. The table below sets out each of these conditions and identifies those that have been addressed through this reserved matters application and those that are to be dealt with through imminently submitted discharge of condition applications, as per the advice received from the Council noted under Section 4.

#	Subject	Commentary
1	Reserved Matters Timing	Reserved matters application is submitted before the expiration of three years from the date of the outline permission (2nd February 2024), satisfying the requirement of this condition.
2	Reserved Matters	Submission seeks approval of all four outstanding reserved matters: appearance, landscaping, layout and scale. The submitted drawings and documents address each matter in full.
3	Approved Plans	Development to be undertaken in accordance with the approved plans: - Drawing 1797 002 (site location plan and block plan, position of access only) - Drawing VC0000 001 (access, parking and turning, in relation to the access only) - Arboricultural Impact Assessment and Arboricultural Method Statement (ref. JH0722THORNHIL, July 2022) - Tree Plan JH-TSP 1 of 1 — Draft Access Tree Removals. The reserved matters details are consistent with these approved plans.
4	Contamination Investigation	Pre-commencement condition (parts a, b and c). A site investigation, Assessment and Remediation Method Statement to be submitted and approved prior to commencement of development. To be addressed separately at condition discharge stage.
5	Imported Soils and Fill Materials	Pre-commencement condition. Documentary evidence that imported soils or fill materials are free from contamination to be submitted and agreed prior to import. To be addressed separately at condition discharge stage.
6	Surface Water Drainage	Pre-commencement condition. A detailed design and associated management and maintenance plan for surface water drainage to be submitted and approved prior to development. To be addressed separately at condition discharge stage.
7	Surface Water Drainage Hierarchy Assessment	Pre-commencement condition. A detailed assessment demonstrating that the proposed destination for surface water accords with the drainage hierarchy to be provided and approved prior to development. To be addressed separately at condition discharge stage.

8	Construction Phase Surface Water Run-Off	Pre-commencement condition. Details indicating how additional surface water run-off from the site will be avoided during the construction phase to be submitted and approved prior to commencement. To be addressed separately at condition discharge stage.
9	Post-Completion Drainage Verification Report	Prior to first occupation condition. A verification report demonstrating that the drainage system has been constructed as per the agreed scheme to be submitted and approved prior to the first occupation. To be addressed separately at condition discharge stage.
10	Foul and Surface Water Drainage Plans	Pre-commencement condition. Drainage plans for the disposal of surface water and foul sewage to be submitted and approved prior to development. To be addressed separately at condition discharge stage.
11	CEMP: Biodiversity	Pre-commencement condition. Construction Environmental Management Plan (CEMP: Biodiversity) to be submitted and approved prior to development. To be addressed separately at condition discharge stage.
12	Biodiversity Enhancement Plan	Pre-commencement condition. Biodiversity Enhancement Plan (BEP) to be submitted and approved prior to development. To be addressed separately at condition discharge stage.
13	Construction Compound and Site Accommodation	Compliance condition. Space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors' vehicles before any other operations are commenced, excluding construction of the access.
14	Vehicular Access and Visibility Sightlines	Compliance condition. A new vehicular access shall be formed to Thornhill Avenue with driver's visibility sightlines as specified before any operations are commenced. The land in advance of the visibility sightlines shall be retained free of any object greater than 0.6m in height above ground level throughout the life of the development.
15	Construction Hours and Activities	Compliance condition. All construction activities shall comply with the operating hours, noise and vibration, dust and particulate emission, waste and lighting requirements of this condition throughout the construction period.
16	Construction Traffic Routing	Compliance condition. Construction traffic shall not take place during school drop off and pick up times. No deliveries to be taken at or dispatched from the site during those times, on Sundays, Bank or Public Holidays. Construction traffic to be routed to/from the site in a southerly direction on Thornhill Avenue towards and from Bargate Road.

17	Street Engineering, Drainage and Lighting Details	Pre-commencement condition. Full engineering, drainage, street lighting and constructional details of the streets proposed for adoption to be submitted and approved prior to commencement. To be addressed separately at condition discharge stage.
18	Wheel Cleaning Facilities	Compliance condition. Vehicle wheel cleaning facilities shall be provided and retained within the site throughout the construction period.
19	No Gates or Barriers Within 5m of Highway Boundary	Compliance condition. No gates or other barriers to be provided within 5 metres of the nearside highway boundary.
20	Tree Protection	Compliance condition. All existing trees identified for protection on the Tree Plan (ref. JH-TSP 1 of 1 — Draft Access Tree Removals) shall be retained and fenced off in accordance with BS 5837 and the Arboricultural Impact Assessment and Arboricultural Method Statement (ref. JH0722THORNHIL, July 2022) prior to commencement of development.
21	Landscaping Scheme	Requirement addressed via the Landscape Proposals submitted with this reserved matters application, which includes native species tree and hedgerow planting within the site to compensate for areas where trees and scrub are proposed for removal, such that the condition can be discharged via this reserved matters submission.
22	Electric Vehicle Charging Scheme	Prior to first occupation condition. A scheme for the provision of electric vehicle charging to serve the dwellings to be submitted and approved prior to the first occupation. To be addressed separately at condition discharge stage.
23	Finished Floor Levels	Pre-commencement condition. Scheme indicating proposed finished floor levels of the dwellings, and the relationship of such to the existing dwellings within close proximity to the site to be submitted and approved prior to development. To be addressed separately at condition discharge stage.

9 PLANNING OBLIGATIONS

9.1 The outline planning permission (ref. AVA/2022/0749) was granted on 2nd February 2024, subject to 23 conditions and a Section 106 Agreement dated 19th January 2024 between Amber Valley Borough Council and Ian Ferguson, Alison Leigh Ferguson and Nicholas McLeod. The Section 106 Agreement secures the following principal planning obligation.

- A Biodiversity Contribution of £12,020 to be paid to the Council prior to the commencement of development, to be applied towards the management and enhancement of grassland habitats within the Belper Parks Local Nature Reserve;
- An Off-Site Public Open Space Contribution, calculated as the number of dwellings approved through the reserved matters application, multiplied by £1,775.80 per dwelling, to be paid prior to the occupation of more than 50% of the dwellings and to be applied towards the enhancement and improvement of Manor Recreation Ground/Belper Parks Local Nature Reserve; and
- The provision of 4no. affordable dwellings, comprising 2no. Social Rented houses and/or Affordable Rented houses and 2no. First Homes, to be delivered in accordance with an Affordable Housing Scheme to be approved in writing by the Council prior to commencement of development.

9.2 As noted in the earlier sections, the reserved matters scheme comprises 14no. affordable dwellings of a rented tenure. As this deviates from the aforementioned obligation to specifically deliver 4no. affordable dwellings, comprising 2no. Social Rented houses and/or Affordable Rented houses and 2no. First Homes, it will be necessary to apply for a Deed of Variation to the agreed Section 106 Agreement. This will be undertaken by the Applicant in tandem with the submission of this reserved matters application and having already engaged with the Head of Housing, Growth and Sustainability at AVBC who has confirmed support for such amendment to the Agreement.

9.3 For reference, the Deed of Variation will seek to:

- Remove the First Homes provisions and associated requirements;
- Replace the existing affordable housing mix with an agreed 100% affordable housing tenure mix;
- Remove the “Development Standard” provisions insofar as these are specifically linked to the First Homes requirements; and
- Update any other consequential provisions within the Agreement necessary to properly reflect delivery of the site as a wholly affordable scheme.

10 PLANNING BALANCE AND OVERALL CONCLUSIONS

10.1 In this section the overall planning balance is undertaken; this is required to consider whether the reserved matters proposals for 14no. dwellings on land to the west of Thornhill Avenue, Belper represent sustainable development when considered against the provisions of the development plan and material considerations.

10.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) and Section 70(2) of the Town and Country Planning Act 1990 require the determination of this application to be in accordance with the identified policies within the Local Plan unless material considerations indicate otherwise.

10.3 The NPPF requires the decision maker to assess the degree of consistency between relevant policies in existing development plans with the policies of the NPPF; the greater the consistency that exists between these policies, the greater weight that they may be given.

10.4 At the heart of the NPPF is a presumption in favour of sustainable development, which is of primary importance for decision-taking. Paragraph 17 of the NPPF clarifies that there are three dimensions to sustainable development: economic, social and environmental. It then states that these roles are interdependent and need to be pursued in mutually supportive ways. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

10.5 In terms of decision-taking, Policy S3 of the NPPF states that decisions on development proposals should apply a presumption in favour of sustainable development. Policy S4 adds that proposals within settlements (including land which has permission for development which will form part of the built-up area once the development is complete) should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies of the Framework.

10.6 It is clear that the presumption in favour of sustainable development is engaged by virtue of the site's location within the built framework of Belper; a fact confirmed both by the Local Plan and Neighbourhood Plan, and the grant of outline planning permission AVA/2022/0749, which established the principle of residential development at the site. Nonetheless, it remains important to weigh the benefits of the reserved matters proposals against any adverse effects arising and to undertake an overall planning balance judgement.

The Economic Role

10.7 The proposed development will deliver 14no. new affordable homes, making a notable contribution to the housing supply in Amber Valley and to the delivery of affordable housing in the Belper area. The redevelopment of this previously developed brownfield site — confirmed as "a priority" by Policy NPP1

of the Neighbourhood Plan — represents an efficient use of land within the built framework of Belper, consistent with the Government's objective to make effective use of brownfield land.

10.8 The construction of dwellings will generate economic benefits through the use of local trades and building suppliers, the creation of employment during the construction phase and the subsequent expenditure of future residents in the local area. Paragraph 81 of the NPPF is clear that significant weight should be placed on the need to support economic growth and productivity, and these real economic benefits should accordingly be afforded positive weight in the determination of this application.

The Social Role

10.9 Paragraph 17 of the NPPF sets out the "social role" in achieving sustainable development. The proposed development will deliver 14no. affordable dwellings of rental tenure, at a time of continuing need for affordable housing in the Amber Valley area. The proposed development also provides 3-bedroom dwellings, consistent with the housing mix requirements of Policy NPP13 of the Neighbourhood Plan and the Housing Needs Assessment which underpins it.

10.10 The site benefits from a highly sustainable location within the built framework of Belper, with ready access to local services and facilities by means other than the private car, consistent with the sustainability credentials established through the grant of outline planning permission. The retention and enhancement of the two Public Rights of Way as part of the development will maintain and improve pedestrian connectivity through the site, providing ongoing access benefits for both new and existing residents. When considered in line with the economic dimension, it is readily apparent that this development will also meet the social role by contributing towards the identified housing needs of the area in a sustainable location. The social benefits of achieving this should be afforded weight in the determination of this application.

The Environmental Role

10.11 Paragraph 8 of the NPPF sets out the "environmental role" in achieving sustainable development. The site can be sensitively developed in a way that does not result in any unacceptable harm to local amenity, character or ecological value. The Arboricultural Impact Assessment has already confirmed that the proposed tree removals are limited to Category C trees, groups and a section of hedgerow of low quality and value, with the retained Category B oak tree and all other retained trees and hedgerows protected throughout the construction period in accordance with the Arboricultural Method Statement. The reserved matters layout and landscape proposals have been designed to respect the Root Protection Areas of all retained trees, consistent with the recommendations of the Arboricultural Method Statement and the requirements of Condition 20 of the outline planning permission.

10.12 The Landscape Proposals submitted with this application provide for native species tree and hedgerow planting to compensate for trees and scrub removed as part of the scheme, consistent with the

requirements of Condition 21, and contribute positively to the ecological enhancement of the site. The off-site public open space contribution secured by the Section 106 Agreement will further contribute to the enhancement and improvement of Manor Recreation Ground and the Belper Parks Local Nature Reserve, providing a tangible off-site benefit to the local community and the natural environment.

10.13 The development is located within Flood Risk Zone 1, the lowest risk category. No policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the reserved matters application. On this basis, it can be concluded that there would be no demonstrable environmental harm arising from this proposal as the development would accord with relevant development plan policy and the most recent NPPF. Positive weight is accrued from this aspect of achieving sustainable development.

The Planning Balance: Overall Conclusion

10.14 In the sections above the economic, social and environmental credentials of the development have been considered in full. The proposed development will deliver a sustainable residential scheme on a previously developed brownfield site within the built framework of Belper, providing new affordable homes, biodiversity enhancements and meaningful contributions to the improvement of local open space. The reserved matters submission has been carefully designed to comply fully with the parameters established by the outline planning permission and to address each of the relevant conditions and planning obligations attached to that permission.

10.15 Weighing all the above factors into the planning balance and having regard to Policies S3 and S4 of the NPPF, as well as the relevant provisions of the Amber Valley Borough Local Plan and the Neighbourhood Plan for Belper, the Applicant considers that the reserved matters submission represents sustainable development and is fully consistent with the outline planning permission. As such, it is respectfully requested that this reserved matters application be approved without delay.