

Amber Valley Borough Council Local Plan Examination



Planning and Design Group

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Representor: Wheeldon Brothers Ltd. Reference No: 172

Matter 13 – Housing Growth Sites

13d: Belper Lane, Belper

Is the proposed allocation deliverable? In particular, is it:

- a. confirmed by the landowner involved as being available for the use proposed?**
- b. supported by evidence to demonstrate that safe and appropriate access for vehicles and pedestrians can be provided?**
- c. deliverable, having regard to the provision of the necessary infrastructure and services, and any environmental or other constraints?**

Wheeldon Brothers Ltd has a long-term option on the site, in full agreement with the landowner.

In preparing a planning application for the residential development of the site, a full suite of evidence was collated and concluded that all constraints could be satisfied and the site delivered accordingly, including a Transport Assessment to demonstrate that safe and appropriate access for vehicles and pedestrians can be provided. The acceptability of the approach was agreed by the Highway Authority through the application process. The application process has confirmed that there are no objections to the development on any technical matters or from statutory consultees.

Further details of evidence regarding deliverability of this site are provided in earlier representations (representor reference 172). Wheeldon Brothers Ltd have fully assessed the deliverability and viability of the site, and would be on site now had the latest resolution to grant permission been issued.

Has full consideration been given to the setting of the World Heritage Site and the use of brownfield land elsewhere, along with the impact of development on the landscape setting, the character and appearance of the area and highway safety?

From the Councils evidence base documents, including ED32 - Historic Environment Assessments of Potential Housing Sites 2016-17 and ED34 - Proposed Housing Growth Sites Methodology for Site Assessment and Selection, it is apparent that full consideration has been given to the impact of the development and the extent of which the site is developable. While the assessments identify some potential for impact on the World Heritage Site, this impacts has evidently been fully considered on balance, taking into account the extent of local housing need and the public benefits deriving from the allocation. The allocation for the site for housing (albeit we contend of a larger scale) can be considered 'sound' having been through a rigorous process of assessment, and consideration 'on balance'.

However, as this consideration was the same for the allocation of the site for 120 dwellings, previously, the reduction to 65 dwellings is not a reflection of the assessment and evidence considerations during the preparation of the Local Plan.

Our own evidence submitted to the Council through a planning application for the site 65 dwellings, and a separate application for the original allocation at 118 dwellings, took the form of both a Heritage Impact Assessment undertaken by Wessex Archaeology and a full Landscape and Visual Impact Assessment undertaken by FPCR consulting. These two documents specifically cross referenced each other to ensure comprehensive and conjoined assessment of all relevant built heritage and heritage landscape assets. The assessments demonstrated very limited harm to the heritage assets or to the landscape. The assessments were reviewed by County Heritage and Landscape Officers, and Heritage England, with the conclusion that any harm would be less than substantial. Both applications were unequivocally recommended for approval by planning officers, with the 65 unit scheme being resolved to be approved by the Planning Board subject to the completion of a S106 agreement.

On what basis has the number of dwellings proposed on the site been reduced from 120 to 65?

There is no sound justification for the reduction in dwellings from 120 to 65. As set out in previous representations (representor reference 172), a suite of technical work was undertaken to accompany planning application AVA/2016/1020 for 118 dwellings (which can be provided to the Examination if necessary) and which demonstrated the site could suitably accommodate the

development as proposed. The reduction was made at submission stage of the Local Plan, without further consultation. The basis for the reduction appears only to be in response to the decision of Planning Committee - to refuse the application against officer recommendation.

The reduction poses great risk to the Council's capability to have a five-year supply of housing on adoption of the Local Plan. Belper is a one of four main growth settlements yet this site is the only housing allocation proposed for Belper over the Plan period. Whilst it is acknowledged Belper is subject to a number of environmental and landscape constraints, it is nonsensical that a main settlement would only be allocated 65 new dwellings. It is also worthwhile to note this is not result of saturation from previous development; the adopted Amber Valley Local Plan 2006 did not allocate any housing sites in Belper.

Further, the site is the only realistic mechanism for the delivery of affordable housing in Belper, where the need for affordable housing is severe. A sizable amount of identified windfall sites will not deliver affordable housing. The reduction in capacity further reduces the potential for delivering affordable housing in an area of high need.

The basis of the reduction is unclear and unfounded and does not take into account these considerations. The reduction was simply a knee jerk reaction to the refusal of the planning application, against the officer recommendation, and appears to have been done simply for political expediency rather than a considered and evidence backed approach.

The Policy should be re-amended through a Main Modification, to read as follows

Policy HGS5

Land is identified at Belper Lane, Belper as a Housing Growth Site, as shown on the Proposals Map. The site is estimated to have potential for ~~65~~ 120 dwellings. In addition to the requirements set out in policy HGS1, any proposals will need to meet the following specific requirements:- an appropriate design and masterplan, informed by a visual sensitivity study, that:-

- i) protects the Outstanding Universal Value of the Derwent Valley Mills World Heritage Site, as well as taking into account the contribution that the site makes to the significance of Belper and Milford Conservation Area, any Listed Building(s) and any other heritage asset(s) adjacent to the site*
- ii) takes into account landscape character, reflecting the classification of this site as of being of secondary importance in Derbyshire County Council's Areas of Multiple Environmental Sensitivity (AMES), as well as the conclusions of the Amber Valley Landscape Sensitivity Study.*

Is the site deliverable in accordance with the trajectory?

Wheeldon Brothers Limited is an active housing developer with a successful track

record of delivering sustainable residential developments in Amber Valley Borough. It would run entirely against their intentions to deliver the site beyond the trajectory. During the course of the recent planning application for a 65 unit scheme, Wheeldon Brothers were prepared to agree a two-year commencement condition demonstrating their commitment to timely delivery.

The site is subject to two ongoing planning appeals, against the refusal of planning permission of 118 dwellings and the non-determination of a subsequent application for 65 dwellings. Subject to positive appeal outcome(s), development can commence on site almost immediately and in full accordance with the trajectory. Had the site been granted permission, Wheeldon Brothers would already have been delivering the site.

13i: Hall Road, Langley Mill

Is the proposed allocation deliverable? In particular, is it:

- a. confirmed by the landowner involved as being available for the use proposed?**
- b. supported by evidence to demonstrate that safe and appropriate access for vehicles and pedestrians can be provided?**
- c. deliverable, having regard to the provision of the necessary infrastructure and services, and any environmental or other constraints?**

The site is owned by Wheeldon Brothers Ltd who, as active housebuilders, can deliver the site. Safe and convenient access can be provided from Hall Road and the principle of access here has been technically approved. Alternative access solutions are currently being explored, however, taking access directly from Cromford Road. From initial assessments carried out by Wheeldon Brothers, no significant constraints have been identified to prevent site delivery.

Has full consideration been given to flood risk, likely contamination on the site, land stability and the viability of the site, along with the impact of development on protected species?

Wheeldon Brothers has instructed detailed technical site surveys and assessments, which are currently being undertaken. Such assessments include Flood Risk Assessment, Ecology and Ground Investigation. The site has low biodiversity value and whilst a small corner of the site is subject to flood risk, it would not form part of the development area. There are no known issues of ground instability. While the full suite of technical reports has not fully been completed at the time of writing this statement, it is clear that there are no 'showstoppers'. There are no known other constraints that would preclude development coming forward.

Is the site deliverable in accordance with the trajectory?

Technical studies are ongoing however, Wheeldon Brothers Ltd are confident that the site can be delivered in accordance with the trajectory. It is intended that a planning application will be submitted to Amber Valley Borough Council upon completion of the site survey work.

4p: The Common, Crich

Is the proposed allocation deliverable? In particular, is it:

- a. confirmed by the landowner involved as being available for the use proposed?**
- b. supported by evidence to demonstrate that safe and appropriate access for vehicles and pedestrians can be provided?**
- c. deliverable, having regard to the provision of the necessary infrastructure and services, and any environmental or other constraints?**

The site is available, as confirmed by the landowner. Wheeldon Brothers Ltd (representor reference 172) have an option agreement with the landowner.

A full planning application for residential development of 62 dwellings on site was submitted to Amber Valley Borough Council in December 2017 (ref. AVA/2017/1363). The application was supported by a Transport Assessment to demonstrate required provision of safe and appropriate access for both vehicles and pedestrians. No objection to the access arrangements has been made by the Highway Authority.

A suite of technical assessment was carried out to accompany the planning application, having regard to all potential site constraints, infrastructure and services. From this, it has been deduced that the site is deliverable.

Has full consideration been given to the impact of the development on traffic levels, pollution, existing services, the SSSI, agriculture, heritage assets, residential amenity, drainage, visual amenity, landscape and green space?

Consideration of the above planning application is ongoing. Full consideration has been given to each of these identified constraints through the pre-application advice, the application process, as well as previous Local Plan representations. The application is progressing positively towards Planning Committee. The only remnant matter is in respect of the non-designated heritage asset, Crich Tramway, which cuts through the site, however, this is not a matter of objection and is the subject of resolvable negotiation with relevant officers. All other matters have been addressed and found to be acceptable.

Is the density of development appropriate?

The density of the development is appropriate and ensures that a suitable buffer is maintained within the western part of the site between the SSSI and any new built development for landscaping and habitat creation.

The construction of a 62 dwelling scheme would result in a development density of 22 dwellings per hectare, based on 2.8 hectares of built development. This density is akin to neighbouring development and complements the lower density Wheeldon Brothers development adjacent. It follows that this balance of development is considered to be appropriate.

Is the site viable?

The site, at 62 dwellings, and subject to no onerous development contribution obligations, would be viable. Wheeldon Brothers Ltd developed the site adjacent (north) and has, therefore, an unrivalled understanding of site values and marketability here.

Is the site deliverable in accordance with the trajectory?

Upon any grant of planning permission, it is the intention of Wheeldon Brothers to commence development almost immediately. That being the case, the site will be delivered in accordance with, or ahead of, the Council's published trajectory.