

**KIRK LANGLEY PARISH COUNCIL MEETING
MINUTES OF THE MEETING IN THE VILLAGE HALL
THURSDAY 6TH OCTOBER 2022**

**PRESENT: Cllr H Leonard (Vice Chairman), Cllr B Whittaker (Acting Chairman), Cllr P Wallis, Cllr J Clowes,
Clerk – F Keppel-Spoor (minutes) and there were no members of public present.**

Reference	Agenda Item	
120.2022/23	Apologies for Absence	Cllr L Baker, BCllr J Orton, CCllr D Taylor
121.2022/23	Declaration of Members Interest	Cllr J Clowes declared an interest in planning application AVA/2022/0696 and will not partake in any discussion related to this item.
122.2022/23	Variation of Order of Business	No variations to record
123.2022/23	Public Participation/Questions	No public participation to record
124.2022/23	Councillor Vacancy	Cllr Leonard has received some communication from a resident who has expressed an interest in joining the parish council to fill the current vacancy; and will make further contact in the next few days.
125.2022/23	Reports from Outside Bodies	Nothing to report at this time.
126.2022/23	Minutes of Meeting 8th September 2022	The minutes of the meeting from 8 th September 2022, which were circulated to all member Cllrs prior to the meeting were agreed to be a true and accurate record of the meeting, and were signed by the acting Chairman.
127.2022/23	Clerk Report	It's been a very disjointed month with many events and meetings being cancelled or postponed due to the period of national mourning; however Kirk Langley Parish Council has continued to meet core functions. Poppies – Clerk will ask who has the poppies and request they are divided up between councillors and installed on lamp posts as in previous years. It was RESOLVED to purchase an additional 20 poppies from RBL and tie wraps as required. Christmas tree will be purchased and installed as in previous years on the village green on the corner of The Cunnery. This will be added to the agenda for November to be discussed in further detail.
128.2022/23	Chairman Report	Nothing to update at this time.

129.2022/23	Village Walk (condition survey)	The Clerk shared the mapping portal with all member Cllrs and it was RESOLVED to defer this to the new year allowing all member Cllrs to familiarise themselves with the portal ahead of a detailed mapping exercise being undertaken in 2023.
130.2022/23	Stile & Footpath Audit	The Clerk shared the mapping portal with all member Cllrs and it was RESOLVED to defer this to the new year allowing all member Cllrs to familiarise themselves with the portal ahead of a detailed mapping exercise being undertaken in 2023 which will include photographs of the stiles, and the footpath condition. Member Cllrs will also look at the app which provides the stile number and/or OS grid reference for location.
131.2022/23	Village Newsletter	It was RESOLVED to collate a newsletter for the all residents of the parish to be delivered to all households in early December. The newsletter needs to include the dates of all planned events and meetings for next year, an update on the events which have been held this year, Christmas plans locally and a statement to say the Parish Council wish to be the hub of information locally for all societies and groups within the parish with a request for contact details to be shared to the Clerk for completion on the website as an information sharing exercise only. Consider including events from other parishes locally too. Also to include achievements this year, decoration of village hall, task force work ongoing at pavilion, sporting achievements, and a request for domino players. Information regarding football and cricket club. Repaired fingerposts, benches, stile and footpath audit planned for January to inform a consultation of assessment regarding accessibility of countryside. Planning update regarding continued contribution to planning process by applying terms of the Neighbourhood Plan. Kirk Langley extends a warm welcome to all residents new and old, welcome to join events, get to know the community. It was RESOLVED the Clerk will email community groups for suggestions for inclusion in the newsletter.
132.2022/23	Litter Bins, Dog Bins, Waste Bins	It was RESOLVED the Clerk will request an updated quotation from AVBC for a trade waste bin to be installed at GBB Playing Fields from April 2023, as well as quotes from other relevant parties. RESOLVED to install additional signage re picking up dog waste across the whole parish.
133.2022/23	Grit Bins	It was RESOLVED to defer this item to the agenda in November.
134.2022/23	Biodiversity Working Group	It was RESOLVED to defer this item to the agenda in January/February 2023 and re-invite Derbyshire Willdlife Trust.
135.2022/23	Website Snagging	The Clerk is following a process of checking the site page by page and ensuring the validity of all links on the website. Local businesses and community groups are invited to share information regarding their business/group for inclusion on the website via the Clerk. Any requested updates and amendments will be added in due course. All residents are encouraged to visit the website to stay

		abreast of local community news and important updates, which will all be added here first, along with agendas, minutes and all policies and parish council financial documents including annual audits.
136.2022/23	Rental Agreement for playground and insurance costs to be shared with GBB	In previous years, the Parish Council have paid £600 for use of the playground and trim trail and the insurance cost has been split 50% between both Parish Council and GB Barrington Playing Field Trust – it was RESOLVED to continue with this arrangement.
137.2022/23	Planning Applications & Decisions	<p>New planning applications at 6th October 2022 AVA/2022/0209 - Listed building consent for replacement of lounge French doors onto patio with new aluminium bi-fold doors. No changes in size to opening at 4 Hillside Court Windy Arbour Kirk Langley – no additional comments to add</p> <p>Pending planning applications at 6th October 2022 AVA/2022/0646 – Approval of reserved matters in respect of appearance, layout, landscaping and scale pursuant to outline ref AVA/202/1226 for the construction of 35 dwellings alongside associated site infrastructure, open space and land for school playing fields and a pickup/drop off area at Land off Moor Lane, Kirk Langley – response agreed for addition to AVBC Planning Portal and added as an appendix to these minutes (appendix 1).</p> <p>AVA/2022/0696 – Removal of condition 2 of AVA/2015/0918 to enable the building to be occupied as an independent dwelling – no additional comments to add</p> <p>AVA/2022/0675 – Retention and completion of timber outbuilding (may affect the setting of a listed building and the character of the conservation area) at Chatswood, Barn Hall Farm Court, Flagshaw Lane, Kirk Langley</p> <p>AVA/2022/0674 – Retention of gravel paths to serve vegetable patch (may affect the setting of a listed building and the character of the conservation area) at Chatswood, Barn Hall Farm Court, Flagshaw Lane, Kirk Langley</p> <p>AVA/2022/0688 – Proposal for development of three residential dwellings with all matters reserved (the proposal is a departure to the adopted local plan and may affect the setting of a Scheduled Monument) – response agreed for addition to AVBC Planning Portal and added as an appendix to these minutes (appendix 2).</p> <p>AVA/2022/0478 – single storey rear and side extension to provide habitable accommodation at Langley Barton, 29 Ashbourne Road, Kirk Langley</p> <p>AVA/2022/0479 – Listed Building Consent for single storey side and rear extension to provide extended habitable accommodation and new windows to replace existing within dwelling at Langley Barton, 29 Ashbourne Road, Kirk Langley</p>

		<p>AVA/2022/0502 – Demolition of existing garage/outbuildings to allow conversion and extension of existing house and subdivision to four dwellings at Wheathills Lodge, Brun Lane, Kirk Langley</p> <p>AVA/2022/0280 – Two-storey rear extension to incorporate basement bedroom at 2 The Green, Kirk Langley – it was RESOLVED to add comments presented by the Planning Working Group to the planning portal in relation to this planning application.</p> <p>AVA/2022/0481 – Proposed construction of one new dwelling at The Royal Oak, 14 Ashbourne Road, Kirk Langley</p> <p>AVA/2022/0194 – Proposed dog day care centre including new buildings, solar panels and parking at Land off Flagshaw Lane, Kirk Langley – this is a departure to the adopted local plan. Agreed additional submission to be added to AVBC Planning Portal and included in these minutes as Appendix 3.</p> <p>AVA/2021/1259 – Replacement of existing Cattery with 2 no residential dwelling units at The Cats Cradle, Windy Arbour, Kirk Langley</p> <p>PDR/2021/0077 – Application to determine prior approval requirement for change of use of agricultural building to single dwelling at Wheathills lodge, Brun Lan, Kirk Langley</p> <p>AVA/2021/0153 – Rebuilding of north single storey extension to form new entrance lobby and associated works at Hall Farm, Flagshaw Lane, Kirk Langley</p> <p>AVA/2021/0154 –1 Listed building consent for rebuilding of north single storey extension to form new entrance lobby and associated works at Hall Farm, Flagshaw Lane, Kirk Langley</p> <p>No Approved planning applications at 6th October 2022</p>
138.2022/23	Correspondence	No correspondence to report not otherwise covered by the agenda.
139.2022/23	<p>Finance Matters</p> <p>a) Invoices due and Income Received</p> <p>b) Banking arrangements</p> <p>c) AGAR</p> <p>d) 2023/24 Budget Setting</p>	<p>a) Invoices were approved for payment, including the Clerk salary and HMRC payment. DDs have been implemented for regular payments, where possible and will continue to be monitored monthly.</p> <p>b) The application to Unity Trust bank remains ongoing.</p> <p>The Clerk has now collated all financial into a pivot table for ease of budget setting and monitoring going forwards. This will produce a monthly finance schedule and bank reconciliation for approval of the accounts.</p> <p>The Clerk gave a report on the AGAR for 2021/22. An interim report has been received from PKF Littlejohn – despite submitting all of the required documentation ahead of the deadline set by the external auditor, they have not completed their tasks in the allotted time and deadline of 30th September and have sent a holding report. This will potentially effect the submission of the AGAR next year as we will be required to state that we were unable to publish the annual return by 30th</p>

		<p>September as requested – even though this is not the error or fault of the Parish Council as we had made our submission of all required documentation well ahead of the deadline.</p> <p>Budget setting will be discussed at the meeting in November with a view to receiving and ratifying a draft budget including annual precept request for 2023/24.</p>
140.2022/23	Items for next agenda	<p>S106 funding available</p> <p>Grant Funding availability</p> <p>Parking on A52 and update on A52 crossing – parking on pavements and in the bus bay, not being able to access the pavement – obstructed by cars. Pavements require clearing of vegetation and the footpath reinstated for pedestrians. Consider request for double yellow lines to be installed via DCC Highways. New estate is impacting on this as the parking spaces are limited or the final phase of the new estate and one particular car is parking in the old field entrance and completely blocking the pavement.</p> <p>Christmas Tree installation (Meynell Langley/Robert Walker)</p> <p>Feedback from Village Hall meeting (Cllr Whittaker to update)</p> <p>Grit Bins</p> <p>Newsletter sign off and delivery arrangements.</p> <p>Noticeboard update – new install and refurb of Long Lane.</p>
141.2022/23	Date & Time of Next Meeting	<p>The next ordinary Parish Council meeting will take place on Thursday 3rd November 2022 at 7pm at Kirk Langley Village Hall.</p>

The Chairman thanked everyone for attending and the meeting was closed at 21.09pm.

Appendix 1:

Response to planning application by Kirk Langley Parish Council

AVA 2022/0646 up to 35 dwellings on Moor Lane

Whilst still opposing in principle the provision of yet more housing in this small historic farming village, the Parish Council broadly welcomes the detailed plans relating to increased green infrastructure, the softened edges created by buffer zones and general layout. However there are several issues which should be addressed relating to the appearance and design of the dwellings, the retained pond and the visual environmental impact. In addition, we have concerns about public safety and observations concerning the developer contribution.

1. Appearance

The planning statement submitted by the developer describes the two proposed “character areas” within the design as:

- Formal Arts and crafts styling
- Rural Arts and crafts styling

The first area can be described as including “mock tudor” elements. Whilst this may be a popular design, this is out of place in Kirk Langley Village. This central part of the village, is overwhelmingly of red brick. Whilst offering a restricted palette, it still allows for variety, offered by different roof heights, chimneys and general design. This can be easily observed along Ashbourne Road. The new development to the North of Ashbourne Road is also red brick and in common with the cottages on the opposite side of the road, they demonstrate different roof heights and treatments to avoid uniformity, whilst reflecting the historic background of the area. There are no historic references to the tudor period in Kirk Langley village and so a mock tudor design does not fit the vernacular of a 19c farming village, with its workers cottages, courtyard farms and grand Georgian/early Victorian dwellings. There are no other “arts and crafts” dwellings in the vicinity.

The liberal use of render is also disappointing. Again, this is not used at all in this part of the village. Render is used in Langley Common and at The Green, but generally, not otherwise.

This proposed development abuts the conservation area and an important listed building; Langley Barton. The Kirk Langley Neighbourhood Plan (KLNP) says this about appearance:

Policy HOUS 4

- **New homes, extensions and other domestic buildings must be of a high-quality design appropriate to their local context. In particular, the use and/or retention of key local features such as red brick, Staffordshire blue roof tiles and native hedgerows will be supported. Developments will be required to submit a detailed design and access statement which identifies how the proposal would make a positive contribution to the locality and reference the reports at Appendix 3 (Kirk Langley Conservation Area Description), Appendix 5 (Character Assessment - Langley Common) and Appendix 11 (Kirk Langley Village & Surrounding Areas) in demonstrating how the proposed design compliments its local context.**

The material submitted by the developer does not explain how the proposed styling, whether “formal” or “rural”, rendered or otherwise, would make a “positive contribution to the locality”. The various statements submitted make no reference to the character studies in the appendices referred to. This requirement is further referenced in policy HOUS 4, below.

- **“they are designed in a way which complements and respect existing dwelling types in the vicinity with reference to the character studies contained within this plan at Appendix 3, 5, 11 where these apply to the development, otherwise generally in relation to the context of the proposal;**
- **they use materials which complement the existing palette of materials used within the area generally and specifically in relation to the immediate context; referring to the character studies if applicable to the development;”**

In the Justification for this policy, the KLNP states:

1. **3.2.3.8 Justification**

In terms of design, in order to preserve the character of the area, development must comply with design principles which are intended to ensure that the historic character of the area is protected. Developers are assisted in this regard by the character studies for the Conservation Area, Langley Common and Kirk Langley and surrounding areas (Appendices 3, 5 and 11) which describe common materials, style and layouts in the area.

At the very least, a reference to the Appendices, which are intended to help developers, should have accompanied this submission. Respect for the local vernacular is also reinforced by this heritage policy:

HER2 Protecting the Conservation Area, listed buildings and other heritage assets

a) To be supported development proposals must demonstrate regard for the significance of the Conservation Area, and any heritage asset identified in Appendix 4 and Appendix 6 (as updated throughout the plan period) where they, or their setting may be affected by the proposal. Development will be required to be designed appropriately, taking account of local styles, materials and detail. Account must be taken of the distinctive character areas, as described in Appendix 7.

The current design proposals for the 35 dwellings is not acceptable because it does not respect the local vernacular, nor the Conservation Area.

2. Other design issues

There is no reference in the submitted materials to the Lifetimes Homes Standard, which is also contained in policy HOUS 4, as follows: -

Sustainability and environmental considerations are fundamental. This is achieved by the following requirements:

Other than starter homes for young families, that they meet the criteria for the Lifetime Homes Standard, including:

- **flexibility, with potential for future expansion or alteration for lifetime living**
- **they incorporate space and facilities conducive to working from home**

There are other requirements in this detailed policy which should be addressed:

- **they have gardens which are appropriate to the type of dwelling proposed and the density of the local character area as described in Appendix 3, 5 and 11.**
- **they provide adequate parking for all cars, motor-cycles and mobility scooters of adult occupants and their visitors on-site so that people do not need to leave their vehicles on the public highway;**

- they use permeable parking surfaces to be used to reduce the risk of flooding; such as permeable paving, as part of the development's wider use of Sustainable Drainage Systems (SuDS) to reduce the risk of flooding.
- they take advantage of energy efficient means such as solar-powered panels for energy production as long as they are of an appearance and style which will not adversely affect the character of the area;
- they incorporate EV charging points.
- the design is optimised for energy efficiency.
- they provide suitable connections to services to ensure that future occupiers have access to high speed broadband.

All these matters need to be addressed in a detailed planning /design and access statement so it is clear how these requirements have been dealt with. In the justifications section of this policy, it states the following:

"The principles set out in the Lifetime Homes Standard should enable new homes to support the changing needs of individuals and families at different stages of life".

This will meet the needs of the local population.

3. Environment

This development raises some issues about the appearance of the site which have not been fully addressed in the submitted material. The developer requirements are set out below:

ENV2 To protect, enhance and conserve the landscape and views

POLICY:

To be supported development proposals must demonstrate how they recognise, protect and enhance the historic landscape and local character. The open

rural “feel” and those vistas identified on Figure 33, and described in Appendix 8, must be protected. These include the views from footpaths and roads, and from the designated open spaces and recreation facilities identified in Policy ENV1.

In order to evaluate the potential impact of development proposals, an applicant shall submit a landscape strategy demonstrating the extent and effectiveness of the proposed hard and soft landscaping at 10 years maturity in near and distant views of the proposed development from the principal public vantage points.

This requirement has not been met by this submission from the developer:

“LANDSCAPE AND VISUAL NOTE 1225329

4.8 The submitted LVA considered impacts and effects on the landscape and effects on visual amenity for those receptors to the west of the site. This included residents on Cunnery Lane, footpath users to the west of Moor Lane, and highway users travelling past the site. The LVA concluded that there would be some level of impact and effect as a result of the development, but these effects would reduce in degree in the longer term and would not result in any unacceptable harm. The landscape proposals would ‘soften’ and filter views of the built development with new tree planting assimilating the Proposed Development into the landscape and its settlement edge context”.

More work needs to be done in order to address the concerns about visual impact. A simple one-paragraph assertion, without the detail required in the second paragraph of the policy, is unacceptable.

4. The Pond

The pond is a key retained feature of the development but there is insufficient information about how the proposed improvements (which includes the removal of established trees/shrubs) will enhance biodiversity. Further detail about the planting and maintenance scheme should be required by the planning authority.

The pond’s drainage could be improved, because historically, it would dry out from time to time.

In accordance with this policy in the KLNP:-

ENV 3 Opportunities should also be taken by developers and landowners to link sustainable drainage solutions in new development to complement nature conservation objectives.

There is nothing in the proposal which suggests that this aspect of biodiversity improvement has been considered. It is not too late to do so now.

5. Safety Issue

The footpath onto Ashbourne Road provides access to the bus stops heading into Ashbourne and Derby. The bus stop into Derby is on the opposite side of the road, for which there is no pedestrian crossing. How is it acceptable in planning terms to add to the road safety problems acknowledged by the planning authority for Phases, 1, 2 and 3 opposite (the Peveril Homes developments), without insisting on countermeasures? As the planning authority is aware, the County Council has refused to provide a pedestrian crossing across Ashbourne Road, despite developer contributions for this express purpose. This issue should be addressed, otherwise this development cannot be acceptable in planning terms. The planning authority needs to be consistent about its assessment of road safety, otherwise its decision to permit this development is irrational and therefore open to legal challenge.

Developer Contributions

In relation to S106 developer contributions, the KLNP states:

“This statement is intended to guide the planning authority in relation to such

agreements by highlighting, in general terms, the issues of importance to Kirk Langley which could be addressed by S106. These are as follows:

- 1. a) Ensuring the community has access to green spaces which add to and support biodiversity by, for example:
 - including appropriate planting schemes for wild flowers,
 - creating a pond,
 - creating a woodland area*
- b) Ensuring community assets are not only protected but also improved*
- d) Ensuring road safety is improved*

There is a real need for contributions towards community assets. Contrary to signals in the submitted documents, this locality has very little to offer its residents. The village hall, playing field and pavilion are in considerable need of repair and improvement in order to continue to serve the needs of the local community. However, despite the rapid expansion of the village, no contributions have been made in this regard through the negotiations between developer and planning authority. It has to be borne in mind that these community assets help to create the right environment to facilitate a sense of community by providing opportunities for local people to meet. If the rapid influx of new residents caused by this and other developments is to be moulded into a community, (in order to prevent isolation and improve the mental health of residents), communal facilities need to improve. Without assistance, this cannot be achieved.

DRAFT

Appendix 2:

LAND AT THE END OF POYSER LANE

AVA/2022/0688

PARISH COUNCIL RESPONSE

The planning proposal for three dwellings on land off Poyser Lane is opposed by the Parish Council because it does not comply with the NPPF, the saved parts of the 2006 Local Plan and the Kirk Langley Neighbourhood plan (KLNP). In general terms, the adverse impacts of allowing this application outweigh the benefits. More specifically, objection is taken in relation to the following matters:-

- The application conflicts with the policies in the KLNP. Permission therefore should not be granted because there are no material considerations which indicate that the policies in the KLNP should not be followed. As para 14 of the KLNP applies, (the KLNP being less than two years old) the presumption in favour of refusal of the application applies.
- The development is not consistent with the general aims of the NPPF and saved elements of the Local Plan. These strategic policies do not permit a “housing at any cost” approach, but a careful weighing of impact. The impacts of the proposal will directly harm residents and other users of Poyser Lane.

1. The principle of development at Langley Common

Langley Common is a small settlement which has grown incrementally over the last two centuries. It has no facilities other than the Bluebell pub/restaurant. It lies uphill from the main village in the parish, namely Kirk Langley Village. The bus stops to Derby and Ashbourne can be accessed in theory, but only after a 1 kilometre-plus walk, involving a steep hill. It is completely inaccessible for the elderly and disabled, in particular. The bus service from Kirk Langley Village is poor. Langley Common has no bus service, save for a school bus to Ecclesbourne school. There are no safe cycle routes locally and so the only viable way of getting day to day provisions (there being no retail premises within three miles) is by use of a car or delivery by commercial motor vehicles.

The saved policies of the Local Plan refer to:

LS1 d)

Proposals for development should be located taking account of the following sustainability criteria by:

...d) minimising the need to travel between home, work and other activities and providing opportunities for journeys other than by car

This development will add to the number of car journeys, which has massively increased locally due to the recent scale of housing development in Mackworth and Kirk Langley. Our local rural roads are unsuited to this scale of traffic. Although increased car use is intrinsically undesirable, it also has a specific impact on this location. This is explained further below.

2. Public Benefit

In the planning statement, intended to support the application, it has been asserted that housing in this area has a public benefit; such as ensuring the vitality of services and the rural economy. This is an aspirational statement which is not grounded in reality. There is no need for any more housing in this area because we do not have the facilities and infrastructure to support it.

The housing requirement in **HOUS 1** policy (KLNP) has already been far exceeded. The following permissions reflect dwellings completed or currently under construction:

- AVA/2018/0616 -30 dwellings
- AVA/2018/1006 -33 dwelling
- Various -13 dwellings under construction as at plan date (see Appendix 9 KLNP)
- AVA/2020/1226 -35 dwellings
- Phase 3 Ashbourne Road -36 dwellings

This is a total of 147. The target for the plan period, up to 2032, was 54. This figure of 54 was arrived at by a formal housing needs analysis and agreed by Amber Valley. It reflected local needs as well as a contribution towards Derby City's unmet need. So, there is clearly no local need for the additional three houses proposed. In addition, this Parish does not have the infrastructure to support additional residents. The local primary school has been extended to its absolute physical capacity and local secondary schools are full. The village Hall seats a maximum capacity of around 40. The playing field and pavilion in the village are small and of poor quality. The only benefit to local infrastructure has been the provision

of some additional primary school places in the local school. No other contributions to village facilities have been forthcoming despite the rapid, unplanned expansion of the village. The only impact of additional housing is to place more cars on inadequate rural roads and to place more pressure on school places, doctors' surgeries etc. In addition, the village community, maintained by gradual, incremental increases in population, is under threat as never before by such rapid expansion. There are further specific community issues raised by this proposal which are addressed below.

It is quite clear that for many years Amber Valley has been building in excess of its annual target and so the imperative for building within Amber Valley is much reduced. Against this backdrop, there is negligible public benefit in having three additional homes in Langley Common; whereas this development will have a clear negative impact.

3. The Poyser Lane issue

The only possible access to the site is along Poyser Lane. However, this is not a realistic proposal because:

- The road is unadopted and below standard;
- It is narrow and pedestrians are not protected by a pavement or lighting;
- Access and egress by cars, lorries and other commercial vehicles, is difficult due to parked vehicles, other vehicle movements, pedestrian access and road width.
- Access to private drives is difficult because of limited turning and parked vehicles
- vehicles park on the Lane due to inadequate/no parking provision for some dwellings
- The exit onto Moor Lane is a traffic hazard, especially when reversing

Because it is unadopted and ownership of the land is unknown, it is not possible to regulate parking on the Lane. The Local Authority has no obligation to meet the cost for the management and maintenance of the road; which falls to frontagers. The developer and the Local Authority can do nothing to improve this situation.

Many residents have addressed this issue in objecting to the application and provided many examples of problems and dangers caused by the current situation. The comments refer to difficulties already caused between neighbours in this tight-knit community. This suggests the issue has already reached a tipping point. Additional houses will add to these difficulties and cause problems to escalate. There will be at least an

additional six cars to accommodate, as well as visitors, deliveries etc. Poyser Lane has 18 dwellings, so that an additional 3 dwellings marks an increase in potential vehicle movements of 16%.

At the same time as residents wrestle with the simple task of getting to and from their homes and emergency, refuse and delivery drivers struggle to access properties, the general public also has a right of foot access along the full width of the lane. Such access takes place without the protections of a pavement or other measures to segregate people from vehicles. Adding yet more vehicles to the mix, quite apart from construction traffic, is unsafe.

The NPPF refers to accessibility in these terms:

“110. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

b) safe and suitable access to the site can be achieved for all users; ...

....d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree”.

It is very clear that safe and suitable access to the site cannot be achieved for all users and significantly, service and emergency vehicles. There is no possible mitigation.

The highways Authority has already commented on the Poyser Lane/Moor Lane junction, which has inadequate splays and limited visibility in both directions. When this site was reviewed as a SHLAA by the Planning authority in 2016, in response to the call for sites, this was the assessment:

Site promoted for 7-11 dwellings. Satisfactory access cannot be easily achieved, the junction of Poyser Lane and Moor Lane suffers from substandard visibility and is not acceptable for additional traffic movements generated by development off Poyser Lane.”

This damning assessment did not change when the recent application in 2021 was submitted and commented upon by the Highways Department.

Access for construction traffic would also cause considerable difficulties for current users and increase the possibility of serious accidents on the main road, as vehicles manoeuvre in and out of the lane entrance. These current difficulties cannot be ameliorated.

“111. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.

“112. Within this context, applications for development should:....

(d) allow for the efficient delivery of goods, and access by service and emergency vehicles;....”

On the issue of safety on Poyser Lane, the Parish Council takes issue with these assertions at paragraphs 6.7 of the Design and Access Statement:

“Whilst Poyser Lane may not necessarily meet current geometric standards, there is no evidence to suggest the current arrangement gives rise to any safety issues. There is no suggestion that modest additional development would trigger a tipping point to which safety is compromised”.

There was ample evidence presented to the applicant and planning authority for the preceding application that Poyser Lane is already at the “tipping point” referred to. This is alluded to in the numerous submissions presented by residents in objecting to this application. The Parish Council has also obtained the views of residents directly. A very powerful consensus exists amongst residents that the lane is overburdened with traffic and simply cannot take any more without seriously compromising road safety, protection of property and public order. The well-being and mental health of residents will be adversely affected if more pressure is placed on this facility by allowing this application.

It is notable that the design and access statement makes no reference to the junction of Poyser Lane and Moor Lane when coming to the conclusion (at para. 6.9) that highway safety impacts would be “at worst, neutral”

On the basis of road safety alone, this application must be refused. This is also the position of DCC Highways (document 1225762)

4. KLNP Housing location

The plan specifically refers to Langley Common in relation to the location of housing, in the following terms:

HOUS2 b) Langley Common – new housing will be supported provided the development is in the form of infilling of small gaps within existing groups of houses

This proposal does not fulfil the criteria within this policy. This is not a “small gap within existing groups of houses”. It would operate as an extension to the Southern edge of Poyser Lane. The block Plan and location plans are misleading because the building(s) to the immediate East of the site at the end of Poyser Lane are not dwellings, but are temporary agricultural buildings. The proposal is therefore contrary to this specific policy. The Parish Council does not agree with the applicant’s assertion in 2.12 of the design and access statement that the proposal will form a natural ‘infilling’ of the corner of Poyser Lane. This is stretching the policy beyond it’s breaking point.

5. Environment

A footpath runs through the site and Rights of Way Officer explains that the footpath has two routes across the site which must both be protected. It is not clear how this would affect the proposed layout.

The public footpath along Poyser Lane turns into the proposed site and runs along the edge of the field, offering a rural scene. This footpath is enjoyed by local people and offers a safer route on foot to the local pub. It is enjoyed by local walkers and connects to longer footpath routes such as The Nomad Way. This proposal directly impacts on the “open rural feel” offered by this footpath route. How does the applicant propose to protect it?

ENV2 To protect, enhance and conserve the landscape and views

POLICY:

To be supported development proposals must demonstrate how they recognise, protect and enhance the historic landscape and local character. The open rural “feel” and those vistas identified on Figure 33, and described in Appendix 8, must be protected. These include the views from footpaths and roads, and from the designated open spaces and recreation facilities identified in Policy ENV1.

In order to evaluate the potential impact of development proposals, an applicant shall submit a landscape strategy demonstrating the extent and effectiveness of the proposed hard and soft landscaping at 10 years maturity in near and distant views of the proposed development from the principal public vantage points.

In the justification section of the KLNP relating to this policy, it states:

“Field patterns and elements of the landscape heritage of the area, including ridge and furrow, field ponds, mature trees and historic hedgerows should be protected. The Amber Valley Landscape Character Assessment (AVLC)¹⁷ and the Conservation Area (CA) report identify the intrinsic value of the high-quality landscape. Characteristic features are well represented and there is a diverse history evident. In order to protect this asset, an approach is needed that requires development to be unobtrusive; respecting characteristic features, the sense of place and open vistas. The protection of views from open green spaces, roads and footpaths is key to conserving the landscape for now and future generations.

Kirk Langley, and on a smaller scale, Langley Common, are the areas most likely to be adversely affected by unsuitable development without clear policies protecting the landscape. The open vistas leading into and out of the village with extensive views across the surrounding rolling countryside, create the rural feel so valued by the community”.

This policy is consistent with the NPPF 170 a) and b).

6. Flooding or drainage

It is very clear from the comments of residents in Langley Common that there is a flooding risk evident in the field and surrounding area. Policy ENV 5 (KLNP) states:

“Development should not increase the risk of flooding and/or drainage problems.....”

The KLNP illustrates that serious problems, undocumented by the Environment Agency, can occur. This requires more than a desk-based investigation.

Local Plan Policy **EN15**:

“Planning permission will only be granted for development proposals which would have no adverse effect on the management of flood risk.....”

And sets out the criteria which need to be addressed, including :

c) *“the need to prevent development from exacerbating existing or potential flood risk through the discharge of additional surface water”*

“Where it is considered that development would be likely to increase flood risk, the developer will need to carry out a Flood Risk Assessment and identify satisfactory compensating measures to be submitted and implemented in conjunction with development”.

If this application is granted in principle there must be a stringent examination of proposals to deal with the known flood risk in the immediate area.

7. Biodiversity

The site involves developing a field, which is surrounded by mature hedgerows.

Policy ENV 3 KLNP

.....Development that would harm priority habitats and species will not be acceptable except where it is justified to meet national need or provide essential infrastructure and where the impacts can be adequately mitigated or as a last resort compensated for.....

Although not an identified wildlife site, the site was undisturbed until recently and is linked to other nearby undisturbed sites. Together, they provide an important habitat for protected species such as owls and bats. The applicant degraded the site prior to submitting the planning application for up to 12 houses in 2021, by the removal of trees from the centre of the site and by cutting back hedges severely. This was carried out in June, during the breeding season for birds and bats. The removal of established trees has obviously been intended to assist the application process and this has already led to a net loss of biodiversity. The planning authority should take this into account in making its decision or establishing remedial measures, should outline permission be granted for this development.

8. Heritage (ancient monument list entry 1462649)

The comments of English Heritage in response to this application have been noted. Any development permitted must respect the setting of the newly-designated ancient monument. The site may also contain heritage assets below ground and must be subjected to appropriate investigation, should there be agreement in principle to this development.

NPPF para 200

“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

1. a) *grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) *assets of the highest significance, notably scheduled monuments,....., should be wholly exceptional”*

Would the addition of three houses, with the drawbacks already highlighted in the numerous objection comments and within this submission, be worth the risk to the setting of this important ancient monument?

202 *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”*

Local Plan Policy EN30:

“Planning permission will not be granted for development proposals that would result in disturbance to, or adverse impact upon

- a) *a Scheduled Ancient Monument or other nationally important archaeological remains or their setting”*

9. Use of Land

The design and access statement refers to “under-utilised land” on several occasions. Although the land is not currently in use, this is a matter of design by the landowner. It has previously been used for stock grazing. The land quality in Kirk Langley is generally classified as grade 2.

ENV 4 policy of the KLNP refers to land usage:

ENV 4:

To be supported proposals for the development of best and most versatile agricultural land must demonstrate the public benefit outweighs the economic and other benefits of the existing use.

Whilst accepting that the provision of housing brings with it a general public benefit, housing which is in the wrong place, which harms a community due location, which is unsustainable and harms its heritage and which destroys agricultural land cannot be supported.

Conclusion

The Parish Council maintains that there is very limited public benefit to this proposal, which is far outweighed by the adverse impacts set out above.

Appendix 3:

AVA/2022/0194

Further comment by Kirk Langley Parish Council in response to Noise Impact Assessment

The Parish Council welcomes the fact that an expert report has been obtained to consider noise impacts; a major concern for residents. The acoustic report refers to the absence of standards by which to assess barking noise. However, in the absence of appropriate standards, we would urge that the planning authority applies common sense to this situation. Universally, the sound of barking dogs is regarded as annoying or irritating to listeners. That is the reason why Defra published the advice cited in the report. With due respect to the author of the report, he has assessed acoustic levels and is not an expert on day care centres for dogs. The author concedes in his report: “there is little dog care centre can do about poorly trained dogs barking” and “dogs bark in response to unusual external stimuli including other dogs or people”. People who own or hear dogs know this and also know that even the best run dog day care centre will produce noise. It will be intrusive, it may not be incessant, but it will adversely affect our residents and their quality of life.

We would urge the planning authority to give particular weight to the observations made in our previous submission:

- Residents are already in a “noise hotspot” generated by traffic on the A52
- The tranquillity of the area to the North, which offers some respite to residents, will be destroyed not only by dog barking, but also by increased traffic so that they will now be surrounded by noise.

The consequences for all residents affected will be dire.

If the noise becomes intolerable and leads to complaints, the regulatory system is not capable of curing the problem. This is clear from the acoustic expert report. A small-scale business such as this, cannot be expected to introduce expensive counter-measures to reduce noise and will be able to avail itself of the “best-practical means” defence. This means that the planning process is the only way of controlling this situation. Once this development is in place, nothing further can be done. It should be sited further away from residences.

Original Submission:

Planning Proposal:

Submission by Kirk Langley Parish Council

The Parish Council objects to the proposed development on the basis that it is contrary to the Amber Valley Local Plan, the NPPF and Kirk Langley Neighbourhood Plan (KLNP). The objections relate to the following matters:

- 1) Heritage: The proposal will impact the Conservation Area and local heritage assets. It also falls within the setting of Kedleston Hall.
- 2) Environment: the proposal neither recognises nor enhances the historic landscape and local character
- 3) Preserve Agricultural Land: the applicant has not demonstrated how the public benefit outweighs the need to preserve agricultural land
- 4) Business development: The proposed development will have an adverse impact on the tranquillity of the local area and will harm residential amenity, due to noise and a substantial increase in traffic.

1. HERITAGE

The conservation area (CA) runs along the west side of Flagshaw Lane (the main approach road to the development) to a point just beyond Flagshaw Brook. The boundary reappears at the north west side of Lodge Lane, where it extends to Crow Wood and Lodge Farm on Lodge Lane. Lodge Farmhouse is a Grade 11 listed building. The proposal site is encompassed on three sides by the CA and lies firmly within its setting and the setting of Lodge Farmhouse. This area is undeveloped and designated as open countryside within the KLNP. It is described within [Annex 3](#) of the KLNP¹ and is clearly important in relation to the

¹ Para 3.3; 5.10; 6.4

story of Kirk Langley. This development does not follow existing patterns of development and will sit, incongruously, in a prominent position, sharing none of the characteristics of existing patterns of historic development.

Policy HER2 in the KLNP states:

“a) To be supported development proposals must demonstrate regard for the significance of the Conservation Area, and any heritage asset identified in Appendix 4 and Appendix 6 (as updated throughout the plan period) where they, or their setting may be affected by the proposal. Development will be required to be designed appropriately, taking account of local styles, materials and detail. Account must be taken of the distinctive character areas, as described in Appendix 7”

It does not take account of local styles, materials and detail. The proposal is entirely practical in nature and makes no attempt to fit in with the vernacular.

From the outskirts of the village of Kirk Langley to the entrance of Kedleston Hall, no similar development can be found. This area has been left untouched by modern development and provides an attractive approach to Kedleston Hall. It falls within its setting.

2. ENVIRONMENT

This objection relates to the impact on the natural landscape. The environmental policies within the KLNP are designed to protect views from public places.

POLICY: ENV2

To be supported development proposals must demonstrate how they recognise, protect and enhance the historic landscape and local character. The open rural “feel” and those vistas identified on Figure 33, and described in Appendix 8, must be protected. These include the views from footpaths and roads, and from the designated open spaces and recreation facilities identified in Policy ENV1.

The development will be seen from several public areas. These include the new housing development to the North of the A52, Lodge Lane and the footpath which runs diagonally across the field where the development is intended to be sited. The protection of views from open green spaces, roads and footpaths is key to conserving the landscape for now and future generations. The proposal does not recognise, protect and enhance the historic landscape and local character.

3 USE OF AGRICULTURAL LAND.

Land quality in Kirk Langley has been assessed generally but not closely studied. It is believed to be either grade 2 or grade 3a according to the Natural England strategic assessment. Arable land in the parish is used for sheep, dairy and mixed arable use. This particular field has been used to graze cattle in the recent past. The KLNP states:

POLICY: ENV 4

To be supported proposals for the development of best and most versatile agricultural land must demonstrate the public benefit outweighs the economic and other benefits of the existing use.

This should also take into account government policy in relation to food production in the UK as set out in the Feb 2020 policy and progress report, which sets out the need for food security.